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MONTANA/ENVIRONMENTAL PROTECTION AGENCY

AGREEMENT

Agreement on the Management and Administration

of Montana's Environmental Programs

for State Fiscal Year

1986

June 1985

Approved:

The undersigned hereby execute this Cooperative Agreement on the Management and Administration of Montana's Fiscal Year 1986 Water Pollution Control, Safe Drinking Water, Underground Injection Control, Air Quality, Solid and Hazardous Waste Management, Superfund, Pesticides and Toxics programs.

State of Montana

Ted Schwinden
Governor, State of Montana

June 20, 1985
Date

John J. Drynan, M.D., Director
Department of Health and
Environmental Sciences

June 20, 1985
Date

by William J. Opitz

Keith C. Kelly, Director
Department of Agriculture

June 20, 1985
Date

by Walter Ralph Dell

Environmental Protection Agency

John G. Welles
Regional Administrator

July 3, 1985
Date

John F. Wardell, Director
Montana Office

June 20, 1985
Date

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EXECUTIVE SUMMARY

INTRODUCTION

The goal of Montana's environmental health programs is to protect public health while sustaining a spirit of cooperation between environmental protection and resource development. Accomplishing this requires close coordination between the Departments of Health and Environmental Sciences (DHES) and Agriculture (DOA) for the State, and the Federal government's Environmental Protection Agency (EPA).

Through agreements, research, monitoring, technical expertise and other areas of cooperation, the DHES, DOA and EPA are helping Montanans maintain their quality of life. The Montana/EPA Agreement (MEA) contributes to this process by consolidating all narratives, work plans and enforcement agreements into one document, thus producing a concise document, and reducing paperwork and duplication of effort.

The MEA programs are comprised of DOA's pesticides programs, DHES's air, water and solid and hazardous waste programs, and EPA's toxics and underground injection control programs.

The elements of the MEA include: (1) An overview of the State's environment, (2) identification of priority objectives, (3) strategies to accomplish priorities, (4) detailed work plans, activities and commitments, and (5) cooperative enforcement agreements.

To better understand the programs, and what they plan to accomplish, each major area of enviornmental concern will have a narrative discussion of its programs, followed by media work plans defining the proposed work.

HIGHEST PRIORITY OBJECTIVES

The state and EPA Montana Office reviewed the environmental programs and established the following highest priority objectives. Although these priority objectives have been singled out as primary goals for the coming fiscal year, the individual programs have a wide range of important goals and accomplishments that also must be addressed during FY 1986.

--Implement Industrial Waste Pretreatment Programs

To prevent flow of pollutants into publically operated sewage treatment facilities, EPA and the state are implementing pretreatment programs. Discharges into these treatment systems must comply with program requirements established by the municipalities. EPA and the state approve the programs. Within Montana, these six communities will be required to plan/implement pretreatment activities:

Butte
Bozeman
Helena
Billings
Missoula
Great Falls

--Complete Construction of the Anaconda Sewage Treatment Plant (STP)

As a result of potential unacceptable groundwater contamination, the design of the Anaconda STP was significantly revised. Construction, therefore, is being carefully reviewed by the State Water Quality Bureau and EPA to insure that funding problems do not halt work.

--Complete the Initial Phase of the Lower Clark Fork River Study and the Champion International Environmental Impact Statement (EIS)

Several major facilities will require National Pollution Discharge Elimination System (NPDES) permit issuance decisions during 1986. The State Water Quality Bureau has initiated an in-depth sampling effort to determine the "environmental" condition of the Clark Fork. Results of this sampling will be used to understand contamination problems in the river and establish NPDES discharge limits at these major facilities.

--Complete State Air Implementation Plans (SIP)

The Montana Air Quality Bureau is working towards meeting required air quality standards in non-attainment areas. Three important efforts were chosen to assess progress.

Butte Total Suspended Particulate (TSP)
Billings Sulfur Dioxide (SO_2)
Great Falls Carbon Monoxide (CO)

--Issue Resource Conservation and Recovery Act (RCRA) Permits

The State of Montana was delegated the RCRA program in July 1984. EPA and the state share responsibility to implement the permitting program for hazardous waste storage, treatment and disposal facilities. These two permits were chosen to assess progress:

Exxon
Conoco

--Implement RCRA Facility Management Plans (FMPs):

The November 1985 RCRA amendments required preparation of FMPs at certain types of hazardous waste storage, treatment and disposal facilities. FMPs will be prepared and implemented at the following Montana facilities:

Exxon
Conoco Refinery and Landfarm (2)
Burlington Northern (BN) Somers
BN Paradise
Cenex
Transbas
Montana Refining

--Complete Scheduled Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Superfund Remedial Action Activities

The below-listed sites will receive funding to complete specific actions. Because of the high priority within EPA, and the level of public interest in seeing EPA achieve schedule requirements, this effort must be intensively managed.

Anaconda Remedial Investigation/Feasibility Study
Silver Bow Creek Remedial Investigation/Feasibility Study
Milltown Feasibility Study/Remedial Design
East Helena
Libby Groundwater
Burlington Northern, Somers
Others which receive FY 1986 funding

--Complete "Asbestos in Schools" Activities

EPA will inspect school districts to determine if children are potentially being exposed to friable asbestos. If friable asbestos is observed during an inspection, the school district must notify the parents.

--Continue Progress Toward Nutrient Removal in Flathead Basin Municipal Discharges

The State Water Quality Bureau is initiating efforts to reduce phosphorus inflow into Flathead Lake. The WQB is requiring tertiary treatment to remove phosphorus. County governments may limit the sales of phosphorus-containing detergents. Flathead Lake is a major contributor to the tourist trade in northwestern Montana. Elevated phosphorus levels in

Flathead Lake cause algae blooms, making the lake much less attractive as a tourist attraction.

--Insure Coordination Between State and Federal Multi-Media Program Tasks and Projects

Environmental protection efforts require closer coordination between programs administered by the State (to include community participation) and EPA; and between other federal and state government agencies. In the past, this coordination has not occurred. This priority objective is aimed at gaining the highest level of coordination possible.

--Continue Progress in the Public Water Supply Program.

The State Public Water Supply effort has achieved noteworthy success at insuring that Montanans have access to clean water. To build upon this success, the state will continue to address issues that require attention.

--Emphasis on Pesticides Enforcement and Certification.

Enforcement

1) Drift from pesticide application.

2) Disposal of pesticides and pesticide containers.

3) Enforcement against illegal sale or use of recently suspended, cancelled or restricted pesticides.

4) Enforcement against pesticide misuse that could result in pesticide contamination of groundwater. Monitoring of groundwater for pesticide residues.

Certification

1) Continue evaluation of pesticide dealer and commercial, government and farm applicator training courses.

2) Update the Montana State Plan for the Certification of Applicators of Restricted Use Pesticides to conform with the state's amended pesticide legislation.

--National Municipal Compliance Policy

The National Policy calls for all municipal wastewater treatment facilities to meet national secondary treatment standards by July 1, 1988. All municipalities requiring upgrading are to have a firm compliance schedule by October 1, 1985.

PROGRAM DESCRIPTIONS AND WORK PLANS

Water

Planning, Monitoring and Management

The state of Montana refined its list of priority water bodies in FY 1985. One method, as reported in the 1984 305 (b) report, involved a rigorous computerized evaluation of all post-1975 water quality data in STORET. Seventy stream segments totaling 1,165 miles of man-caused water quality problems were identified in this manner. The Association of State And Interstate Water Pollution Control Administrators (ASIWPCA) non-point source (NPS) assessment, completed in April 1985, relied largely on professional judgement to identify nearly 7,000 stream miles in Montana where current uses were impaired by non-point sources of pollution.

Montana's most severe surface water quality problems are caused by 1) heavy metals from abandoned hardrock and coal mining operations, 2) sediment from poor agricultural and forest practices, 3) salinity, also from poor agricultural practices, and 4) nutrients, toxic ammonia and oxygen-demanding organic wastes from publicly-owned wastewater treatment plants. Through intensive surveys, an effort will be made in FY 1986 to verify and better characterize selected priority water quality problems.

Flathead Lake and the Clark Fork River will continue to be priority water bodies for monitoring in FY 1986. Flathead became a priority in 1983 when a lake-wide algae bloom indicated accelerated eutrophication (nutrient enrichment) was taking place. Monitoring will help measure the effectiveness of a phosphorus control strategy implemented by the state in 1984. The Clark Fork became a priority in April 1985, when the state issued a modified discharge permit to the Champion International paper mill near Missoula. The modified permit allowed the mill to increase its load of wastes to the river and to discharge year-round. Monitoring results will enable the state to prepare an environmental impact statement to help decide whether to renew the modified permit in April 1986. Ongoing monitoring on the upper Clark Fork River, some of it in place for more than 10 years, will help evaluate the water quality effects of the Anaconda Company shutdown and reclamation efforts under CERCLA (Superfund) and the Abandoned Mine Program.

A major effort will be made in FY 1986 to review land-use proposals by the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) as reported in Forest and Resource Area Plans and Municipal Watershed Management Plans. The forest planning process will be in full swing during FY 1986. This effort will include an appraisal of monitoring plans to make sure they are adequate to measure significant water quality changes that may result from logging, road building and other activities on forested lands. In conjunction with this effort, the state will work with the USFS and others to adopt a uniform set of best management practices for forest activities.

In FY 1986 the state will continue to assist conservation districts in implementing NPS control programs and special water quality projects on priority bodies of water. And, for the first time, the state will provide input on priority agricultural water quality problems and needs to the Agricultural Stabilization and Conservation Service (ASCS) to guide

disbursement of Agricultural Conservation Practices (ACP) special project funds. The state's agricultural water quality specialist will also promote communications among agricultural agencies on NPS water quality issues.

Central to the state's Water Quality Management Planning Program is maintenance of a list of priority water bodies and using the list to make management decisions that result in the greatest water quality and public health benefits. To these ends, the state will put a considerable amount of emphasis in FY 1986 on the preparation of the 1986 305(b) report, which will incorporate the results of the 1985 ASIWPCA NPS assessment and monitoring data collected since preparation of the 1984 report.

Wastewater Discharge Permit Program

Montana's wastewater surface discharge permit program began in 1968. With passage of PL 92-500 (Water Pollution Control Amendments of 1972), a federal wastewater discharge permit program was also initiated. In 1974 Montana applied for and received authority from EPA to administer this program, thus minimizing duplication of effort.

Tables #1 and #2 list the various categories of major and minor industrial wastewater discharges. Table #3 lists the number of facilities that presently have general wastewater discharge permits.

Table #4 lists the municipal discharges. Twenty-one of Montana's 26 major municipalities have treatment facilities capable of meeting secondary effluent limitations. Those that do not are Laurel, Libby, Lewistown, Wolf Point and Dillon. Major and minor wastewater treatment facilities are tracked for compliance. This document is updated periodically by the state permits and construction grants sections.

Many of the communities meeting secondary discharge limitations still have treatment facility needs. Kalispell, Whitefish, Columbia Falls and Bigfork are working toward meeting limitations for total phosphorus. The phosphorus limitations were imposed to help slow the eutrophication process in Flathead Lake. Phosphorus removal should begin at these facilities in FY 1986 or FY 1987. National Secondary Standards now include the provision for relaxed bio-chemical oxygen demand (BOD) and total suspended solids (TSS) limits for certain lagoon and trickling filter facilities where water quality standards would not be affected by allowing the relaxed limits. This may allow some of the smaller communities to meet effluent limitations with a minimum amount of improvement. Some communities are still working toward meeting fecal coliform and/or chlorine limits.

Table 1. Major Industrial Wastewater Discharge Permittees

Category	Total No.
Sugar Refining	2
Coal Mines	3
Smelter	2
Plywood Mills	2
Oil Refineries	4
Paper Mills	1
Generating Plants	2
Ore Mining	2
Railroads	1
Totals	19

Table 2. Minor Industrial Wastewater Permittees

Category	Total Number
Oil Wells	17
Mines	128
Smelters	1
Railroads	4
Lumber & Plywood Mills	1
Oil Refineries	1
Sand & Gravel	5
Slaughter Plants	1
Cement Plants	2
Chemical Plants	1
Generating Plants	1
Industrial Sewage Treatment Plants	7
Miscellaneous	15
Totals	197

Table 3. General Permit Summary

General Permit Category	Effective Date of General Permit	Authorizations Issued Total	Currently Activ
Suction Dredge*	6/3/83	52	49
Fish Farm	11/19/84	9	9
Construction Dewatering	7/14/83	28	4
Sewage Lagoon	6/14/83	18	18
Feed Lot	7/1/84	144 (large)	144 (large
		43 (small)	43 (small
Totals		294	267

*Considered by EPA to be issued under 404 rather than 402 authority.

Table 4. Municipal Wastewater Discharges with Individual Montana Pollution Discharge Elimination System (MPDES) Permits

	Major	Minor
Wastewater Treatment Facilities Municipal, State & Federal	26	71
Municipal Water Treatment Facilities/ Wastewater Disposal	--	11
Totals	26	82

Specific priorities for FY 1986 include:

- Issue, reissue or modify major permits ensuring that water quality standards are met; toxic criteria limitations and pretreatment requirements are imposed and residual wastes handled appropriately (input from Solid and Hazardous Waste Bureau (SHWB) to be provided), and appropriate effluent limitations and self-monitoring are provided.
- Pursue general permit issuance for such categories as fish farms, water from oil wells and feed lots.
- Process 3 (a) authorizations and Water Quality Standard (401) certifications.
- Provide timely complaint response and follow-up.
- Provide compliance monitoring annually for all major permittees, completing form EPA-3560-3 for each.
- Compliance monitor at least 10 minor dischargers where self-monitoring data is suspect.
- Provide a quality assurance (QA) program to assure accurate self-monitoring data for the MPDES program.
- Pursue a vigorous compliance inspection program on mining activities during the summer months when activity is at its peak and gather information concerning impacts on water quality.
- Provide appropriate enforcement and report to EPA, giving priority to major dischargers and federally-funded minor municipalities.
- Provide timely review and appropriate notification on self-monitoring information.
- Review and revise the National Pollution Discharge Elimination System (NPDES) delegation agreement.

Groundwater Pollution Control Program

State groundwater regulations, called the Montana Groundwater Pollution Control System (MGWPCS), were promulgated by the Board of Health on October 29, 1982.

The MGWPCS program primarily addresses the protection of shallow groundwater aquifers from potential pollution sources, such as surface impoundments, waste piles, landfills, disposal systems and spills of various contaminants. Any of these potential pollution sources (except spills) which are not reviewed and approved, or required to obtain an operating permit under other regulations, are required to apply for and obtain a groundwater pollution control permit as outlined under MGWPCS. The WQB permits section reviews these applications and follows through the administrative procedures of issuing and managing the permits, including compliance monitoring, review of self monitoring, etc.

For similar sources that are reviewed and approved and/or permitted under other regulations, the MGWPCS rules do not require additional permitting; compliance is required with the state's groundwater quality standards as outlined under MGWPCS. Compliance with the standards is then

addressed within the other agency approval or permit. Examples of these joint reviews are Major Facility Siting Act (MFSA) projects under the Department of Natural Resources and Conservation (DNRC), mining and milling operations obtaining operating permits under the Department of State Lands (DSL), subdivision and other public or private waste treatment systems approved by the DHES and landfills and other solid waste disposal sites licensed by the DHES.

A problem that has become evident in the last two years, and turned out to be probably the WQB's number one priority in groundwater pollution control, is groundwater contamination by petroleum fuels. This problem has been observed in nearly 50 locations throughout the state by spills at fueling stations or wrecks, leaking pipes or pipelines and leaking storage tanks. A professional in the groundwater field could easily spend his or her entire time working on various aspects of the petroleum pollution problem in Montana. As resources allow, a storage tank inventory including registration, tracking and monitoring will have to be completed and maintained for the state. Recent state legislative action provides authority to the DHES for the development of an underground storage tank program. DHES plans to handle the program jointly through the WQB and the SHWB. The SHWB will do the registration and tracking and the WQB will take care of any subsurface investigations required.

Other portions of the program which require significant resources are: review and processing of permit applications under MGWPCS (about 30 have been done to date); joint review of applications for permits or approvals under other regulations (about 25 have been done to date), and numerous complaint investigations involving potential groundwater pollution. The WQB will try to provide the resources to work with the Montana Bureau of Mines and Geology (MBMG) to utilize inputs and outputs from the Groundwater Information Center to the fullest extent possible.

Priorities for FY 1986 include review and issuance of permits under the MGWPCS program and expansion of the groundwater investigation program to further identify sources of pollutants from spills or leaks that have contaminated domestic wells. We also want to try to take advantage of any training opportunities to strengthen our program personnel in their office and field capabilities.

The hiring of a hydrogeologist will significantly add to our ability to respond to groundwater program needs.

Contact Persons:

Water Quality Bureau, DHES (444-2406)

Steve Pilcher, Chief
Loren Bahls, Water Quality Management Section
Dan Fraser, Safe Drinking Water Section
Joe Steiner, Construction Grants Section
Fred Shewman, Permits and Enforcement Section
Abe Horpestad, Special Studies and Support Section

EPA Montana Office (449-5486)

Dick Montgomery, Water Quality Coordinator

WATER QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
I. WATER POLLUTION CONTROL	Date of Completion				
A. Administration			2.08	.12	
1. Provide general program direction and supervision and development of staffing and budget needs.					WQB
2. Administrative support.					WQB
3. General policy guidance and periodic review of program outputs.					WQB, EPA
B. Wastewater Discharge Permit Program			5.22	1.06	
1. Issue, reissue, or modify within 6 months of application or expiration date major permits ensuring that water quality standards are met, toxic criteria limitations and pretreatment requirements are imposed, residual wastes are handled adequately and appropriate effluent limitations and self-monitoring are provided. EPA Montana issues permits on Indian Reservations.	4	7			WQB, EPA
2. Issue, reissue, or modify within 6 months of application or expiration date minor permits or general permits as needed to eliminate backlog of expired permits.					WQB, EPA
3. Develop and implement annual compliance inspection program with quarterly reports to EPA of completed inspections.					
a. All major municipal facilities will be inspected (compliance monitored or O&M inspected) at least annually with composite sampling at mechanical plants whenever possible.	10	26			WQB

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
b. All major industrial facilities will be compliance monitored (sampled or evaluated) at least annually.	6	19			WQB
c. Minor municipal and industrial facilities will be inspected when problems are suspected and as time permits. EPA conducts inspections on Indian Reservations.					WQB, EPA
4. Provide appropriate enforcement actions in accordance with State/EPA Enforcement Agreement.					WQB, EPA-MT & Denver
a. Update State/EPA Enforcement Agreement.	4/30/86				
5. Provide review and appropriate notification on self-monitoring information as reports are received. Copies of DMRs for majors and funded minors to MO for data entry in PCS. EPA-Helena reviews self-monitoring reports for Indian Reservation facilities for which responsibility has not been delegated. Conduct joint monthly DMR review meetings.	6	12			WQB, EPA
6. Develop process for issuing joint Notice of Violations (NOVs) to meet requirements of Section 309(a).	12/31/85				
7. Quarterly Noncompliance Reports for majors using National definition of significant noncompliance. Includes enforcement action summary report.	2	4			WQB
8. Semiannual Compliance Reports for completed federally-funded minor municipalities.	1	2			WQB, EPA

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
9. Reconnaissance inspections. Estimated number = 75.	30	75			WQB, EPA
10. Jointly monitor approved local pretreatment programs. Pursue delegation of pretreatment program during FY86. EPA continues to provide technical assistance. Modify permits at EPA request.					WQB, EPA MT & Denver
11. Investigate complaints of illegal discharges and possible violations of water quality standards and provide follow-up.	Quarterly Review	Quarterly Review			WQB, EPA
12. Implement the municipal compliance strategy. All facilities to be upgraded have approved compliance schedule by 9/30/85. All facilities in compliance by 7/1/88. Update municipal compliance strategy on semiannual basis.	9/30/85	2 meetings			WQB, EPA
13. Provide copies of all file documentation for major permits to Montana Office.	As Required	As Required			WQB, EPA
14. Follow up on the most significant problems identified through the DMR QA program and provide annual report to EPA. The results of this program will be utilized as a tool in selecting inspection candidates.		3/31/86			WQB
15. State program overview, policies, procedures and output reviews. Complete revision of the NPDES delegation agreement during FY86.		6/30/86			EPA, WQB

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
C. Groundwater Pollution Control Program (excludes UIC)			1.45		
1. Issue, reissue or modify MGWPCS permits.	7	14			WQB
2. Joint review of DSL operating permits, exploration licenses, MFSA projects, Superfund projects, wastewater system plans, subdivision projects, SIWB landfills.	10	20			WQB
3. Provide sampling or evaluation inspections on permittees, joint inspections for groundwater compliance on other agency projects. Coordinate with MBMG Groundwater Information Center.	20	40			WQB
4. Investigate complaints of groundwater pollution, including petroleum fuels. Provide recommendation for enforcement and cleanup follow-up. Coordinate with SIWB on underground tank program.	Quarterly Review	Quarterly Review			WQB
D. 404 Permit Review and 401 Certification			.30	.40	
1. Review proposed 404 permits. As necessary, establish conditions for 401 certification to prevent WQS violations or deny certification for projects that will violate WQ standards. Conduct inspections as necessary. EPA will provide 401 certification for proposed 404 permits on Indian Reservations.	Evaluate Program Quarterly	Evaluate Program Quarterly			WQB, EPA
2. Assist with the coordination of 310 and 404 permit programs.	Quarterly Review	Quarterly Review			WQB
3. Issue 3(a) authorizations for short-term activities which exceed turbidity standards. Conduct inspections as necessary to verify compliance.	Quarterly Review	Quarterly Review			WQB

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
4. Review and comment on proposed 404 permits to assure that projects are compatible with 404(b)(1) guidelines, or that appropriate conditions to insure compliance with 404(b)(1) guidelines are included. Conduct inspections as necessary.	Quarterly Review	Quarterly Review			EPA
5. Conduct follow-up inspections of projects carried out under 404 authority to verify compliance with permit or certification conditions.	1	2			EPA, WQB
E. Water Quality Standards			.25	.25	
1. The State and EPA will review existing information, studies, data, etc., for Prickly Pear Creek, Silver Bow Creek, Muddy Creek and Hot Springs Creek and identify additional information which is needed and studies which must be conducted to satisfy the Use Attainability requirements of 40 CFR Part 131.		1/1/86			EPA, WQB
2. Additional use attainability studies, if necessary, will be initiated; or existing information will be reformated to satisfy the Use Attainability requirements. The State shall submit Use Attainability Analyses justifying why these four stream segments cannot attain the fishable/swimmable goals either on a year-round or a seasonable basis.		Initiate Studies by 6/30/86 Submit Use Attainability Analyses by 6/30/87			EPA, WQB
3. Prepare report on Clark Fork River embryo-trout bioassays at Deer Lodge and Champion International (Frenchtown), and eighteen ceriodaphnia test sites.	9/1/85				EPA

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	WORKYEARS EPA	
	Date of Completion				
4. Identify water quality problems caused by toxic pollutants.	Quarterly Review	Quarterly Review			WQB
5. For toxic substances of concern, establish appropriate numeric criteria to protect designated uses; and/or where narrative criteria are used, develop guidance outlining implementation of those narrative criteria.	Quarterly Review	Final Report by 6/30/86			WQB
6. Review the current numeric limits for the Clark Fork River, classifications C-1 and C-2, provide scientific justification for current values or adopt appropriate revised criteria.	Quarterly Review	Final Report by 6/30/86			WQB
7. Identify methods by which ARM 16.20.634 is implemented to ensure that mixing zones are free of materials that would be acutely toxic to aquatic life.	Quarterly Review	Final Report by 6/30/86			WQB
8. The State shall clarify the meaning of "...adopts and incorporates..." in appropriate sections (3) and (4) of the Water Quality Standards ARM 16.20.617 through ARM 16.20.624.	Quarterly Review	Final Report by 9/30/86			WQB
9. If appropriate, hold a public hearing for WQS review and submit WQS revisions to EPA for approval/ disapproval.		Meeting Held by 6/30/86			WQB, EPA
F. Wasteload Allocation/Total Maximum Daily Loads					
1. The State and EPA will develop an agreement which establishes State procedures and processes for performing WLA/TMDLs.	Draft 12/31/85	6/30/86			WQB, EPA

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
2. The State will develop, and EPA will review, individual WLA's until the State WLA process has been approved by EPA.		6/30/86			WQB, EPA
G. Operation and Maintenance/Operator Training			.50	.10	
1. Conduct 7500-5 on-site inspections, or the equivalent, using State inspection forms. Publically owned wastewater treatment works will be inspected at least once every three years.	25	50	Also Utilize Resources in Drinking Water & Construction Grants		WQB
2. Publish Big Sky Clearwater.	12/85	6/86			WQB
3. Conduct annual operators school at Montana State University.	9/85				WQB
4. Coordinate and monitor 104(g)(1) grants program and consider development of proposal for FY85 funds.					WQB
a. Complete selection of facilities.	6/85				WQB/NMC
b. Complete CPE's.	9/85				WQB/NMC
c. Complete CCP's.		4/86			WQB/NMC
d. Prepare Final Report.		6/86			WQB/NMC
5. Develop statewide operator training strategy; this may include consideration of 109(b) facility.		6/86			WQB/NMC

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	WORKYEARS EPA	
	Date of Completion				
6. Review progress, provide assistance as requested in the conduct of the 104(g)(1) grant activities.	Quarterly Review	Quarterly Review			EPA
7. Issue certification licenses to operators and give examinations to new operators.					WQB & Water & Wastewater Operator Certification Board
a. Licenses issued.		600			
b. Exams given.		150			
H. Monitoring/Surveys/Surveillance			2.5		
1. Clark Fork River					
a. Monthly sampling at ongoing seven upper river stations. Silver Bow Creek above Warm Springs Ponds Silver Bow Creek below Warm Springs Ponds Mill-Willow Bypass near mouth Warm Springs Creek at mouth Clark Fork River at Warm Springs Clark Fork River at Deer Lodge Clark Fork River at Garrison	Quarterly Review	Incorporate Summary of Results into 305(b) Report 5/30/86			WQB
b. Revise the WQB Clark Fork River monitoring program in cooperation with the Interagency Task Force, Clark Fork River Basin Project, and Office of the Governor.	10/85				WQB
c. Lower Clark Fork River monitoring program (30 stations).	Quarterly Review	Quarterly Review			WQB

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	WORKYEARS EPA	
	Date of Completion				
d. Incorporate preliminary results in 1986 305(b) report.		4/86			
2. Periodic sampling to check the effectiveness of and make necessary adjustments to the Freezeout Lake/ Priest Butte Lakes/Teton River WQ Management Plan.	Quarterly Review	Quarterly Review			WQB
3. Prepare 1985 irrigation season monitoring summary.	12/85				
4. Begin the "after" phases of the Hamilton/Bitterroot River and Hot Springs/Hot Springs Creek recovery studies.		3/86			WQB
5. Conduct diurnal dissolved oxygen monitoring on Ashley Creek above and below the Kalispell WWTP outfall. Incorporate results into reevaluation of Kalispell effluent limitations.		6/86			WQB
6. Support USGS suspended sediment/turbidity monitoring (ends September 30, 1985) and assist with DFWP invertebrate studies on the upper Yellowstone River.	8/85	6/86			WQB
7. Field validate priority WQ problems identified in the 1984 305(b) report and the ASIWPCA NPS report.	12/85	6/86			WQB
8. Perform temperature and other WQ monitoring on the upper Missouri River (above Canyon Ferry Dam) and tributaries to support a possible application for an instream flow reservation.	12/85				WQB

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS . STATE	EPA	
	Date of Completion				
9. Conduct additional monitoring/surveillance in support of permits, construction grants, WQ standards, and WLA studies as needed.	Quarterly Review	Quarterly Review			WQB
10. Review ASARCO/Troy ambient WQ monitoring data and ASARCO/Rock Creek baseline WQ data; perform annual reconnaissance at ASARCO/Troy.	10/85				WQB
11. Monitor for potentially toxic algae on Canyon Ferry Reservoir.	8/85				WQB
I. Quality Assurance					
Update quality assurance plan and field and laboratory procedures for water monitoring as needed to maintain approved QA program.	Semi-Annual Review	End of Year Review	.10		WQB CLB
J. Data Management	Semi-Annual Review	End of Year Review	.75	.20	
1. Keep files up to date.					WQB
2. Continue editing of data files.					WQB
3. Send MDHES WQ data system tape to EPA for STORET entry.	12/85				WQB
4. Process water quality data submitted by State into STORET.		1/86			EPA
5. Develop data management system for WQB biological data using the Bureau's new IBM PC system and a terminal in the WQB Biological Laboratory.					WQB

WATER QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
6. Edit ASIWPCA NPS report data and enter in computer.	12/85				WQB, EPA
7. Maintain paper (basin) files of ambient WQ data.					WQB
8. Complete computerized data analysis for the 1986 305(b) report.		1/86			EPA

WATER QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
II. WATER QUALITY MANAGEMENT	Date of Completion				
A. Administration			.25	.25	
1. Provide general program direction, administrative and supervisory support to the WQ Management Section.	Quarterly Review	Quarterly Review			WQB
2. Meet to discuss program accomplishments and to identify and report progress.	Quarterly	Quarterly			WQB, EPA
3. Prepare a program oversight report on water quality management activities.	1/86	7/86			EPA
B. Water Quality Assessment/Planning/Reporting			1.65	.20	
1. Maintain a list of priority water bodies and use the list to reach decisions which result in the greatest water quality and public health benefits. Revise list in conjunction with 1986 305(b) report.		Revision Completed 3/86			WQB
2. Review construction grants and NPDES permit decisions for consistency with WQ management plans.	Quarterly Review	Quarterly Review			WQB
3. Review Blue Ribbons APO and Flathead Drainage 208 Project for possible dedesignation.	12/85				WQB, EPA
4. Attend Regional 305(b) workshop for State coordinators.	7/85				WQB
5. Finalize 305(b) regional handbook.	8/85				EPA
6. Prepare outline and work assignments and schedule for 1986 305(b) report.	9/85				WQB
7. Prepare and submit draft 1986 305(b) report, incorporating NPS survey revisions.		3/86			WQB

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
8. Review and comment on draft 1986 305(b) report.		4/86			EPA
9. Submit final 1986 305(b) report to EPA.		5/86			WQB
10. Continue efforts to get U.S. Forest Service WQ data on STORET.		End of Year Review			WQB, EPA
11. Investigate the need for instream flow reservations for WQ protection on the upper Missouri River (above Canyon Ferry Dam) and tributaries.	Quarterly Review	Quarterly Review			WQB
12. Monitor water development and streamflow in the Yellowstone River Basin to protect the DHES instream flow reservation and WQ.	Quarterly Review	Quarterly Review			WQB
13. Prepare data report on Lower Clark Fork River monitoring through August 1985 and prepare EIS on renewal of Champion discharge permit.		4/86			WQB
14. Serve Montana on the Biological Resources Committee for the IJC Reference on the proposed coal mine on Cabin Creek, B.C.	Semi-Annual Review	End of Year Review			WQB
15. State will continue cooperative Flathead Lake phosphorous and primary productivity monitoring with U of M Yellow Bay Biological Station.	Semi-Annual Review	End of Year Review			
C. Nonpoint Source Pollution Control			.75	.30	
1. Support the implementation and utilization of NPS policy and strategies developed by the National NPS Task Force through updated cooperative agreements and/or assessments of compliance with agency nonpoint source strategies and national nonpoint source policy.					WQB, EPA

WATER QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
a. Federal Highway Administration	7/85				WQB, EPA
b. U.S. Forest Service	12/85				WQB, EPA
c. Bureau of Land Management	12/85				WQB, EPA
d. Soil Conservation Service	8/85				WQB, EPA
e. Agricultural Stabilization & Conservation Service	8/85				WQB, EPA
f. Cooperative Extension Service	9/85				WQB, EPA
2. Provide assistance to Conservation Districts in implementing NPS control programs and special water quality projects (e.g., Otter Creek and Mussellshell River Streambank inventories).	Quarterly Review	Quarterly Review			WQB
3. Provide input on priority agricultural water quality problems/needs to the ASCS ACP specialist to support distribution of 1986 ACP special project funds.	Quarterly Review	Quarterly Review			WQB, EPA
4. Monitor U.S. Forest Service and BLM activities (Forest and Resource Area Plans, Municipal Watershed Management Plans, etc.) in accordance with updated cooperative agreements.	Quarterly Review	Quarterly Review			WQB, EPA
5. Work with the U.S. Forest Service, State Division of Forestry and State Conservation Districts to pursue adoption of standardized BMP's for forest activities and improved monitoring programs.	Quarterly Review	Quarterly Review			WQB

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
6. Support efforts by the State Division of Forestry and the forest products industry to develop a strategy for mitigating cumulative impacts from forest activities in multiple-ownership watersheds.	Quarterly Review	Quarterly Review			WQB
7. Review and develop mining BMP's for mine reclamation, permitting, and discharge certification.	Quarterly Review	Quarterly Review			WQB
8. Work with the Department of State Lands, the U.S. Forest Service and BLM to develop an abandoned hard-rock mine reclamation program on federal and adjacent lands.	Quarterly Review	Quarterly Review			WQB

Drinking Water

The initial Montana law relating to public water supplies was enacted in 1907. This law was revised in 1977, and again in 1979, to enable Montana to receive and retain delegation for administration of the "Federal Safe Drinking Water Act" (PL 93-523) enacted in 1974. Montana's program covered about 250 community water systems prior to 1978. The present program regulates all systems which have at least 10 service connections or serve 25 individuals daily for at least 60 days a year. The public water supply (PWS) inventory varies, but usually includes about 625 community water systems and 1,420 non-community water systems.

From a quality standpoint, the state's drinking water is considered generally good in western Montana. Many supplies in eastern Montana, particularly groundwater, would be considered poor. The exceptions in western Montana are those waters high in turbidity. In the eastern part of the state, the communities using surface supplies, with few exceptions, have water treatment facilities capable of providing quality water. However, the groundwater supplies are generally high in total dissolved solids.

Montana has about 20 community PWSs which exceed the maximum contaminate level (MCL) for fluoride and about 10 systems that exceed the MCL for nitrate. All of these systems are required to notify the public and to provide bottled water for the affected population. The DHES has also initiated legal action against one supply which exceeds the nitrate MCL. The state's intent is to force them to provide an alternate source of acceptable water for their users.

Unfiltered surface water supplies are one of the state's major concerns. Several outbreaks of giardiasis have been experienced in the past few years. No unfiltered surface source is safe from giardia. During recent years, several communities have constructed new filtration plants or reconstructed existing facilities. These include Chinook, Chester, Conrad, Colstrip, Bozeman, Loma and Helena (for its Missouri River source) and Red Lodge. Culbertson's treatment facility will soon be completed. In addition to these PWSs, the program has been successful in obtaining filtration and disinfection for several noncommunity PWSs. One of the highest priorities is to see that proper treatment is provided for all surface water utilized by public water supply systems.

The vast majority of Montana's public water supplies are monitoring for bacteriological quality on a regular basis. The MCL for coliform bacteria is rarely exceeded. When it is, Water Quality Bureau (WQB) engineers work with PWS personnel to identify and solve the problem.

Radiological monitoring of the vast majority of Montana's PWS's has been done and one system was identified that exceeded a radiological MCL.

Priority objectives for FY 1986 include:

- Improve compliance of public water supplies for all of the requirements of the Safe Drinking Water Act.
- Monitor and enforce the public notification requirements of

the Safe Drinking Water Act.

- Improve the bacteriological quality of those supplies not meeting the MCL for coliform bacteria.
- Grant exemptions and establish compliance schedules for those systems which need physical improvements to meet MCL's.
- Conduct field investigations for about 80 percent of all public water supplies.
- Provide technical assistance for the operation and maintenance of public water systems.
- Provide training and certification for operators.
- Review plans and specifications for new supplies and improvements to existing systems.
- Develop DHES policies to improve plan review and rewrite regulations as needed. Specifically, write a design manual for non-community PWSs.
- Provide certification of chemical and bacteriological laboratories.
- Conduct cooperative investigations of suspected giardiasis outbreaks by performing appropriate sampling and identification. Positive identification will be followed with assistance in corrective measures.

WATER QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
I. Drinking Water Program - Public Water Systems					
A. Administer program according to the Federal SDWA, State statutes and regulations, and grant regulations and conditions.			.75	.60	
1. Provide quarterly reports of violation data to EPA within 90 days of the end of each calendar quarter in the format requested by EPA.	2	4			WQB
2. Participate in program evaluation/oversight/data verification performed by EPA.		1			WQB
3. Administer local health department contracts for inspections of public water supplies.		21			WQB
4. Develop a Waterborne Disease Surveillance plan after receiving guidance from EPA.		6/30/86			WQB
B. PWS surveillance and technical assistance.			1.50	.05	
1. Conduct inspections of PWS's and make written reports. EPA will participate in approximately 5 percent of inspections conducted by WQB staff.	Semi-Annual Review	EOY Review			
a. WQB staff.		90			WQB
b. Contracted sanitarians.		600			WQB
c. Contracted individual(s).		300			WQB
2. Investigate suspected waterborne disease outbreaks.		By Incident			WQB

WATER QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
3. Investigate suspected incidences of underground sources of drinking water contamination.		By Incident			WQB
C. Review plans and specifications for all new and/or modified PWS's.		120	1.05		WQB
D. Train and certify water system personnel. *One 1-week course 10 One-day seminars 2 Certification tests given Onsite Training for plant operators			.80		WQB
E. Provide appropriate compliance activities and enforcement action in accordance with State/EPA Enforcement Agreement.	Semi-Annual Review	EOY Review	1.05		WQB
F. Maintain records essential for PWS program including inventory of all PWS's.	Semi-Annual Review	EOY Review	1.05		WQB
G. Provide laboratory capability to conduct analysis necessary for the program.	Semi-Annual Review	EOY Review			WQB
1. Recertify private microbiological laboratories to which PWS's submit samples for required analyses.		12			Lab
2. Bacteriological samples.		7,500			Lab
3. Chemical samples.		250			Lab

Underground Injection Control

The purpose of the Underground Injection Control (UIC) program is to prevent the contamination of underground sources of drinking water. Neither the DEES nor the Board of Oil and Gas Conservation demonstrated an interest in assuming responsibility for the regulation of injection activities under the Safe Drinking Water Act. While the intent of the Act was to encourage states to assume primary enforcement authority for the UIC program in those cases where the state is unable to meet the program requirements or where a state does not apply for the program, the Administrator of EPA must prescribe a program for that state. This was done by EPA and it became effective in June, 1984.

EPA is implementing the UIC program through the Denver Regional Office and the Montana Office. The Regional Office is responsible for program direction, administrative and technical functions related to permit issuance and compliance monitoring. The Montana Office has the lead responsibility for field activities, compliance inspections and emergency response. The permit work load is shared between the two offices, with the final permits and all administrative activities associated with the permitting activities being the responsibility of the RO.

Injection activities have been divided into five classes. In general, the classification of wells is as follows:

Class I - Wells used by municipal and industrial dischargers to dispose of waste materials below the lowermost formation containing an underground source of drinking water.

Class II - Wells which inject fluids associated with the recovery of oil and natural gas. This includes brine waste injection, enhanced recovery of oil or natural gas, and storage of hydrocarbons.

Class III - Wells used for the extraction of minerals.

Class IV - Wells used to dispose of hazardous waste materials into or above a formation containing an underground source of drinking water.

Class V - Wells not included in Classes I - IV including air conditioning return flow wells; cesspools, drainage wells used for storm runoff, etc.

To date, no Class I, II or IV injection wells have been identified in Montana. Only Class II wells are presently being permitted.

Under the regulations, all new injection wells must have a permit from EPA before they can begin injection. "New" is defined as any injection well that goes into operation after June, 1984. In addition, all salt water disposal wells that were in existence as of June, 1984 must also be permitted before June, 1988. The permitting of these wells is being done in a phased manner, with about 25 percent of the existing wells proposed to

be permitted each year. The existing enhanced recovery wells are not required to obtain a permit, but are still required to meet all requirements of the regulations.

All injection wells must meet certain construction requirements, demonstrate mechanical integrity (have no significant leak in the casing, tubing or packer and have no significant fluid movement into an underground source of drinking water through vertical channels adjacent to the injection well bore), meet certain operating, monitoring and reporting requirements, and have an approved plugging and abandonment plan. In addition, the company operating the injection well must meet the financial reaponsibility requirements necesaary to plug and abandon the well.

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
I. Underground Injection Control (UIC)	Date of Completion				
A. Permit Issuance					
1. Review applications for and issue permits for new Class II wells and/or fields.		20			EPA
2. Review applications for and issue permits for existing Class II salt water disposal wells.		35			EPA
B. Surveillance and Investigation					
1. Assure compliance with permit and other regulatory requirements through compliance inspections.		20			EPA, MO
2. Notify owner/operator and require mechanical integrity testing.		75			EPA, RO
3. Witness required mechanical integrity testing.		20			EPA, MO
4. Review operator supplied compliance reports.		850			EPA, RO
C. File Reviews					
1. Review files for rule authorized wells.		120			EPA, RO
D. Administration					
1. Do annual report as required by 40 CFR 144.8(b).	3/86				

**All milestones are estimates. They will be modified after September 30, 1985 to better reflect total EPA commitments.

Construction Grants

A federal grant program was initiated in 1956 to assist municipalities in the construction of sewage treatment facilities. The state has assisted the EPA and predecessor agencies in administration of this program by establishing needs and priorities, and reviewing project applications and preliminary and final plans.

Using the priority system developed by the WQB and approved by EPA, a priority list is drawn up at least once a year. Grant monies are then set aside for the top communities on the list.

During FY 1982 the Municipal Wastewater Treatment Construction Grants Amendments of 1981 (PL 97-117) were passed. The program went from a three step program (i.e. Step 1 - Facility Planning, Step 2 - Design and Step 3 - Construction) to a program where only one grant (Step 3 - Construction or Step 2 and 3 - Design and Construction) is offered, and within that grant, an allowance is given to cover a portion of the costs of facility planning and design. There is an exception where small, needy communities may receive an advance for the facility planning and design if the state decides these communities qualify. The program was made more flexible. It should allow for added state and local discretion. The federal share of the project costs was reduced from 75% to 55%, October 1, 1984.

Funding for the construction grants program has not been appropriated for FY 1986. PL 97-117 authorized funding of the grants program for four years at $2.4 billion per year. The funding was through federal fiscal year (FFY) 1985, however, there are indications that the same amount will be authorized and appropriated for FFY 1986. This would give Montana approximately $12 million. Such an appropriation would allow funding of four to ten projects. This number is dependent on the cost of the projects that rank the highest on the state priority list. The priority list for FFY 1986 will be determined and submitted to EPA for their approval by September 1, 1985.

The future of the construction grants program is in a state of uncertainty. The state shall actively pursue whatever changes become necessary to meet the changing federal program.

The state will assist EPA in meeting EPA's water accountability system to the extent resources and funding allow.

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
1. Construction Grants	Date of Completion				
A. Participate in Regional Construction Grants Oversight/ Office of Water Accountability Systems.			3.00	.55	WQB, EPA
1. Montana will submit detailed work plan containing core elements of the program including quantitative estimates of performance per Regional Construction Grants Oversight System and EPA's specific guidance by October 1, 1985. Upon acceptance by EPA it will become part of the SEA.					WQB
2. Montana will carry out the construction grants program in accordance with the 205(g) delegation agreement and the annual work plan. The Region will conduct all non-delegated functions consistent with these agreements.					WQB, EPA
3. Implement changes resulting from the FY 1985 amendments to the CWA.					WQB
4. Participate in the Needs Survey with emphasis on the water quality component.					WQB
5. Implement the sludge management program regulations.					WQB
6. Ensure individual project decisions are consistent with sound sludge management practices.					WQB

Air

The Big Sky Country is truly what its name implies, yet there are places where the quality of air is a fragile resource. The plains east of the Rocky Mountains provide few obstructions to the sea of air that flows across the land, but in western, southern and central Montana, where various mountain ranges form valleys, air sometimes is trapped in layered inversions, causing degradation.

In addition to inversions and natural sources of contamination, man also plays a part in altering air quality. In urban areas throughout the state, such things as street dust, smoke from wood stoves and industrial emissions contribute to lowering air quality and visibility. In rural areas the largest contributors to air quality degradation are unpaved roads and mining operations.

Implementation plans have been developed and are being carried out for all areas (plan definition is still pending for Great Falls carbon monoxide). In Great Falls the carbon monoxide evaluation has been completed and control strategies identified. A SIP was submitted during late 1984, but has since been stalled when it was discovered carbon monoxide emission reductions at the Montana Refining Company (formerly Phillips Petroleum) were never achieved. This problem is currently being negotiated with Montana Refining Company with a resolution expected in the next few months.

A revised plan to control TSP in Butte as well as a request for redesignation to attainment was submitted in early calendar year 1983. Questions about the plan have been raised and answered. Plan approval and redesignation should quickly follow.

A study was recently completed in Billings to define the nature and extent of sulfur dioxide concentrations. Analysis of the data has established that there are no violations of federal ambient air quality standards. A redesignation will be requested in the near future.

The Missoula carbon monoxide attainment plan contains major modifications to the intersection of South Brooks and Russell. This project is currently underway and will be completed this fall. Despite these efforts, it appears standards may not be met without further reductions from residential wood burning. Missoula is now actively working on those strategies. Rules governing wood emissions have recently been put into place.

The Air Quality Bureau (AQB) processed more than 100 permits to assure that new air pollution sources comply with all air quality rules and standards. The DHES performed in excess of 17,000 laboratory analyses on 4,000 samples to evaluate the effects and levels of air pollution. It analyzed 180,000 hourly field samples to investigate the air pollution levels throughout the state.

The AQB enforced compliance with air quality rules through nearly 140 field surveillance actions, several notice-of-violations and several impositions of civil penalties.

Montana's ambient air monitoring network has been reviewed and modified as necessary.

Changes in permit and PSD rules were completed and continue to occur in order to obtain a fully approved implementation plan.

Nearly all nonattainment plans have been approved or conditionally approved. The SIP plan for Great Falls is expected to be resubmitted in October, 1985. The lead problem in East Helena has been studied and control strategies are currently under way. The Missoula plan modifications are currently underway and a have target completion date of November, 1985. A resolution to the Billings CO plan has been noticed for approval in the Federal Register.

A part of SIP implementation is the state's compliance and enforcement program for stationary sources. Continued emphasis will be placed on major source (Class A) inspections since the Clean Air Act no longer allows for continued noncompliance of major sources through variance procedures. Significant violations by major sources in most instances will have to be dealt with through administrative actions, court actions and, if appropriate, by the imposition of civil or criminal penalties.

Montana operates an approved PSD program. Sources will be reviewed as appropriate under this program.

A continued program of inspections and enforcement is essential for maintaining ambient air quality standards throughout the state. The state, thus, will process new permits and schedule regular inspections in order to provide an assurance of compliance. Enforcement actions will be taken when appropriate.

The accurate measurement of Montana's present and future air quality plays an important role in existing and future SIP revisions. The location and impacts of new sources and proper technical impact analyses are essential for the continued protection of Montana's pristine air quality and to accommodate orderly industrial growth.

The state annually completes a review of its air monitoring program and submits a Network Review Report to EPA for approval. Modifications to the existing network will be carried out according to the schedules set forth in the report.

Montana will continue to actively pursue a high quality data retrieval program. It may be necessary to reduce monitoring efforts at some locations in order to realize this goal.

Montana will attempt to begin a program to audit continuous emission and ambient monitors operated by company personnel.

As a result of alleged violations of emission and ambient air quality standards in the Billings area, the DHES and six area industries signed a stipulation in late 1977 requiring, among other things, an intensive sulfur dioxide monitoring study. The study was initiated through contract in the fall of 1981. The study was completed in October, 1982. The study

involved four monitoring sites near Billings and two near Laurel in addition to upper air meteorological soundings. The Bureau has analyzed the data and determined that the area complies with the federal ambient air quality standards, but not state standards.

During the past few years, the DHES has become cognizant of an increased amount of flaring sour gas from oil wells. This practice has the potential of emitting significant amounts of sulfur dioxide into the atmosphere. The AQB will continue to contact these sources to determine the necessity of permits and control strategy for these sources. General rules designed to control the emissions are currently under development.

As a result of a recent court case (Environmental Defense Fund v. Ruckleshaus, No. C82-6850 RPA), Montana will develop rules and policy necessary to comply with Congress's intent to control visibility degredation in mandatory Class I areas. Rules have already been developed and submitted to the Board for new source review. Monitoring strategies are still under development.

It is becoming increasingly obvious that wood stove emissions are having a larger and larger impact upon air quality especially in western Montana. As a result of this, Montana is thus attempting to quantify their impact upon ambient air quality standards through the use of source apportionment studies. Should this source demonstrate a significant impact upon ambient air quality, as suspected, Montana will seriously consider imposing a performance standard for new, and possibly existing, wood stoves similar to Oregon and Colorado.

Contact Persons:

Air Quality Bureau, DHES (444-3454)

Hal Robbins, Chief

EPA Montana Office (449-5486)

Dick Montgomery, Air Quality Coordinator

AIR QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	WORKYEARS EPA	
I. AIR ACTIVITIES	Date of Completion				
A. Point Source Compliance					
1. State shall inspect each Class A-1 Source and approximately 1/2 of Class A-2 sources once per year. In addition to State inspections, EPA-Montana Office shall perform 12 facility overview inspections of Class A sources.	30	80			AQB
2. EPA shall inspect all major, regulated sources located on federally-recognized tribal lands.	1	4			EPA
3. State shall provide EPA within 10 days copies of all violation inspection reports in accordance with the Enforcement Agreement.					AQB
4. Inspect asbestos demolition and renovation projects. Submit quarterly summary of asbestos notifications/ enforcement activity.	One for each contractor Quarterly				AQB, EPA
5. Toxic					
Identify and document the extent of hazardous and toxic air pollution by developing an inventory of emission sources and potential emissions.	As funds allow				
B. Enforcement					
1. State shall take formal enforcement action against significant A-1 and A-2 sources within 60 days following violation in accordance with the Enforcement Agreement. EPA may take formal enforcement action as specified in enforcement agreement.	Quarterly Summary of Actions				AQB, EPA

AIR QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
2. Utilize continuous emission monitors (CEMs) for enforcement purposes where not excluded from doing so by regulation or formal agreement. Set up a mechanism for entering excess emission report (EER) data into CDS/CEM subset.					AQB
3. Modify or reaffirm 1985 Enforcement Agreement as appropriate.	10/85				AQB, EPA
4. Implement CEM requirements of 40 CFR 51.19 affected listed industries not subject to NSPS due to age. Identify sources and notify them of these requirements.					
C. Emission Inventory Update					
Update the emission inventory for Class A-1 and A-2 stationary sources. Provide quarterly updates through the Emission Inventory System (EIS). Develop portable source tracking system.	30	80			AQB
D. A-1 and A-2 Classification					
Review classification of Major Stationary Sources.		Update EIS			AQB
E. Track Plans					
Track TSP, SO_2, lead and CO approved implementation plans in nonattainment areas. Request redesignation to attainment as appropriate.	Quarterly Status Summaries				AQB, EPA

AIR QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
Colstrip TSP	Final Notice 4-26-85				EPA
Missoula CO	Proposed 7-23-84				EPA
Missoula TSP	Proposed 7-23-84				EPA
Billings CO	Proposed 7-23-84				EPA
Great Falls CO	10/85				AQB
Butte TSP	Submitted 2-10-83				AQB, EPA
Colstrip Redesignation	Final Notice 4-26-85				EPA
Butte Redesignation	Submitted 2-10-83				AQB, EPA
Billings TSP Redesignation (Secondary)	Collecting Data				AQB
Billings CO Redesignation	Collecting Data				AQB
Columbia Falls Redesignation (Construction not complete on highway)	Collecting Data				AQB
East Helena TSP Redesignation (Short term violation)	Collecting Data				AQB
East Helena Pb Plan	Final Notice 7-9-84				AQB
Great Falls TSP Redesignation (Secondary)	Collecting Data				AQB
Laurel SO_2 Redesignation	10/85				AQB

AIR QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
Source Test Procedures	Proposed 7-23-84				EPA
CAA Section 173 Provisions	10/85				AQB
New Source Review Revisions	10/85				AQB
Malfunction Rule Revision	Final Notice 7-13-84				
PSD Revisions	10/85				AQB
GEP Stack Height Rule	Awaiting Final EPA Rule				AQB
Visibility Rule	10/85				AQB
F. Missoula CO and TSP SIP					
Continue to track CO and TSP progress. Provide for modification to SIP if warranted.	Report Status Quarterly				AQB, EPA
G. East Helena Lead SIP					
Continue to track Lead attainment plan. Provide for modification to SIP if warranted.	Report Status Quarterly				AQB, EPA

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
H. Great Falls CO					
1. Modify plan to take into account new emissions from Montana Refining Company.		1/86			AQB
2. EPA take action.		6/86			EPA
I. New Source Review					
Process new source permits (PSD, nonattainment, or otherwise) as required. Copies of permits will be sent to EPA.		Approx. 80			AQB
J. Oil Well Flaring					
Continue to develop and implement rules for control of oil well flaring.	Report Status Quarterly				AQB, EPA
K. Libby TSP violations - Continue to evaluate TSP problem. Consider formal process to reduce TSP levels.					
L. Monitoring					
1. Complete annual network review.	1 report	7/86			AQB, EPA
2. Complete annual review of quality assurance plan and standard operating procedures.		7/86			AQB, EPA
3. Quarterly reporting of NAMS/SLAMS data and agency and precision and accuracy data.	Quarterly Reporting				AQB
4. Perform system audits of State ambient air monitoring program.		9/86			EPA

AIR QUALITY MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
5. Complete implementation of PM10 Monitoring Network.	8-1-85				AQB
6. Complete annual SLAMS reports.		6/86			AQB
M. Training		As Required			AQB, EPA
N. Performance Evaluation					
Conduct performance evaluation in accordance with National Air Audit System Guidance Manual.		5/86			EPA
O. SIP Revisions					
1. Develop SIP revisions as necessary within 9 months of promulgations of new or revised National Ambient Air Quality Standard.	Quarterly Status Report				AQB, EPA
2. Prepare annual SIP progress report.		4/86			AQB
P. Visibility					
Develop Phase II SIP for visibility as required.		9/86			AQB
Q. Acid Deposition					
Continue to participate in the STAR project.		As Required			AQB
R. Western Montana Particulates					
Conduct a chemical mass balance study in one or two western Montana cities to determine the cause of elevated winter-time particulate readings.		8/86			AQB

Solid and Hazardous Waste Management

The disposal of solid waste has become a major, complex problem in Montana. Due to its nature, it also relates to air, water and land pollution. The solid waste problem will become more expensive and complicated. Our society consumes enormous quantities of material and energy which in turn generate an exceedingly large volume of waste. Approximately 600,000 tons of municipal solid wastes are being generated every year in Montana. Given the well-established waste generation rates, by 1990 nearly 870,000 tons of waste will be generated per year. This waste is being disposed in more than 230 identified municipal disposal facilities and numerous undisclosed dump sites.

State records also indicate that approximately 10,000 tons of potentially hazardous wastes are generated each year in Montana. This volume of hazardous waste includes pesticides, heavy metals and other industrial chemical wastes. A large number of "empty" pesticide and other toxic chemical containers of all sizes are also discarded annually.

The state now possesses sufficient regulatory authority to control solid waste disposal. As required by the 1977 "Montana Solid Waste Management Act," the Solid and Hazardous Waste Bureau (SHWB) currently is licensing all solid waste management systems in the state. This licensing procedure assures that all such systems will provide a basic public service and not degrade the environment. To date, a total of 221 waste management systems have been licensed by the bureau.

Montana, through the SHWB, has received "final" authorization to manage a state hazardous waste management program. However, because of major changes in the RCRA, the SHWB will be initiating major program development activities to insure that the state program remains equivalent to its federal counterpart. The following number of businesses are presently regulated under the hazardous waste program:

Generators	50
Treatment, Storage and Disposal Facilities	10
Transporters	40

The U.S. Congress has passed legislation to reduce the weight exemption limit for hazardous wastes from 1000 kilograms to 100 kilograms. Under the new regulations, the SHWB estimates that the number of regulated generators may increase ten-fold from the current status to approximately 900 to 1000 new generators.

Other than the few generators with on-site treatment, storage and disposal facilities, hazardous waste generators in Montana are dependent on out-of-state disposal facilities. Distances to out-of-state facilities are substantial for Montana operators, and this is viewed as burdensome especially from the standpoint of transportation costs. Also, disposal fees charged by the out-of-state facilities routinely increase. These costs are especially taxing to small generators. It is also a possibility that these facilities may terminate their business either permanently or for indefinite periods of time.

EPA has until March 31, 1986 to develop standards for the small quantity generators. Until the standards become effective, these generators may dispose of the wastes in state approved sanitary landfills that are operated by municipalities and districts throughout the state. However, there is a growing reluctance among landfill operators to accept even small quantities of hazardous waste because of the future liability they may incur.

A fee system has been established to assist in the management of a state hazardous waste program. Under the system, hazardous waste generators and treatment, storage and disposal facilities are required to pay a fee to the state to help defray the costs of managing the state hazardous waste program.

During FY 1986 a priority will be the continued implementation and maintenance of a fully authorized state hazardous waste regulatory program. Such status will encompass complete state authority over hazardous waste generators, transporters and treatment, storage and disposal facilities. This authority will provide state primacy in permitting, monitoring and enforcement activities. The program will include continuing the notification procedures by regulated communities of hazardous waste activities.

The DHES will continue to provide an emergency response system, which includes a response plan and emergency response team. This team is comprised of state agencies representing a broad spectrum of disciplines. Such a structure assures that state government can provide technical advice and direct assistance to a variety of emergency situations.

As the state's hazardous waste program matures, measures will be taken to assure that an adequate work force is available. Efforts will be made as needed to supplement the current hazardous waste staff. In addition, the ongoing training of current staff will be maintained.

Funds from the state Resource Indemnity Trust Fund have been allocated to the SHWB to develop a statewide hazardous waste collection/transfer station program. During the next two years, the bureau will conduct extensive feasibility analysis, pre-design and construction activities to establish such a program.

A concerted effort will be made to provide for public participation. Current state laws and regulations provide formal provisions for insuring public review and comment in the issuance of all permits. The level of public participation undertaken in other activities will depend on the degree of interest from affected or interested persons. Public participation will rely heavily on the mass media, direct mailings, public meetings and public hearings.

Under licensing procedures required by state law, the SHWB will continue to maintain an inspection program of all waste management facilities. The bureau will initiate enforcement action on facilities identified as open dumps and for which no effort has been taken to close or upgrade.

The SHWB will continue to maintain a planning grant program to provide technical and consultant assistance to local governments for developing recycling and resource recovery activities. To the extent possible, the SHWB will continue to assist in the proper disposal of small quantity hazardous wastes.

Remedial investigations and feasibility studies will continue on the seven uncontrolled hazardous waste sites identified in the National Priority List. The purpose of remedial investigations is to determine the nature and extent of the problem at the sites and gather all necessary data to support work conducted during the study period. The DHES has entered into cooperative agreements with EPA to administer investigations and corrective actions on two of the sites. Funds from the state's Resource Indemnity Trust Fund will be used as match for the CERCLA program.

The SHWB has applied for and received continued grant funds under the Abandoned Site Discovery Program (Section 3012 of RCRA) to conduct preliminary assessments and, where necessary, conduct site inspections of potentially uncontrolled waste sites identified in EPA's ERRIS. Initial prioritization by state and EPA officials have identified 37 sites with a high or medium priority listing. By the end of FY 1986; all sites on the ERRIS list will have received preliminary assessments and/or site inspections. In the course of conducting project activities, efforts will be made to identify uncontrolled waste sites currently not listed in ERRIS.

The DHES has been appointed to be the administrative agency for coordination of the regulation of the underground storage tank program which was recently enacted by Congress. In FY 1986 this program will consist mainly of informing tank owners of the new requirements and the inventorying of tanks.

Contact Persons:

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EPA Montana Office (449-5414)

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SOLID AND HAZARDOUS WASTE MEDIA WORK PLAN

ACTIVITY/OUTPUT	OUTPUT QUANTITY	BY QUARTER 1	2	3	4	RESOURCES WORKYEARS STATE	EPA	RESPONSIBLE AGENCY
I. Develop state program to include provisions of Hazardous and Solid Waste Act Amendments of 1984							1.755	
A. Small quantity generator program.								
1. Transfer station								
a. Feasibility Study	Completed			1			Contract	SHWB
b. Pre-Design	Completed				1		Contract	SHWB
2. Notification		450						SHWB, EPA
3. Regulation preparation					1			SHWB
B. Authorization of State Program Revisions (HSWA).								
1. Regulation development			1					SHWB
2. Application preparation	Ongoing							
C. Development of joint State/EPA permit process.		1						SHWB, EPA
D. Training.								
1. Staff training plan	1		1					SHWB
2. Public education efforts								
Small quantity			1					SHWB, EPA
New RCRA			1					SHWB, EPA

ACTIVITY/OUTPUT	OUTPUT QUANTITY	BY QUARTER 1	2	3	4	RESOURCES WORKYEARS STATE	EPA	RESPONSIBLE AGENCY
II. Implement Hazardous Waste Management Program Activities								
A. Facility Management Planning.							.06	
1. Final preparation of multiyear strategies		9						SHWB, EPA
2. Update strategies as appropriate	Ongoing							SHWB, EPA
B. Compliance inspections.*							1.77	
1. Non-notifiers	15	5	4	2	4			SHWB, EPA
2. Small quantity generators (<1000 kg./mo.)	12	4	4	1	3			SHWB, EPA
3. Small quantity generators (bt. 100 and 1000 kg./mo.)	6	0	0	0	6			SHWB, EPA
4. Generators(>1000 kg./mo/)	17	4	4	2	7			SHWB, EPA
5. Transporters	5	2	2		1			SHWB, EPA
6. TSD's								
a. Record reviews								
i. Closure/post closure	10	2	2	4	2			SHWB, EPA
ii. Financial	10	2	2	4	2			SHWB, EPA
b. On-site								
i. Compliance evaluation (CEI)	10	2	6		2			SHWB, EPA
ii. Comprehensive groundwater monitoring (CME)	8	2	6					SHWB, EPA

*Includes 100% of all federal, state and local hazardous waste facilities to be inspected jointly with EPA.

SOLID AND HAZARDOUS WASTE MEDIA WORK PLAN

ACTIVITY/OUTPUT	OUTPUT QUANTITY	BY QUARTER 1	2	3	4	RESOURCES WORKYEARS STATE	EPA	RESPONSIBLE AGENCY
7. Corrective measures (TSDs)**	As required							SHWB, EPA
8. Follow-up	8	3	2	1	2			SHWB, EPA
9. Inspection report preparation	1 per inspection	Within 30 days of inspection						SHWB, EPA
C. Manifest exception and discrepancy reports.	As required							
D. Permitting.							2.60	
1. Develop joint Permitting Agreement	1	1						SHWB, EPA
2. Permit application requests	All current active facilities have been requested.							
3. Permit application completeness/ technical reviews	4	1	1		2			SHWB, EPA
4. Draft permit conditions	4		1	2	1			SHWB, EPA
5. Permit issuance or denial**	3			1	2			SHWB, EPA
6. Closure/post closure								
a. Plan review	1				1			SHWB, EPA
b. Final action	2	2						SHWB, EPA
7. Termination of Interim Status	As required							
8. Corrective actions**								

**Cooperatively with EPA based on Facility management plans and per agreement to be developed.

ACTIVITY/OUTPUT	OUTPUT QUANTITY	BY QUARTER 1	2	3	4	RESOURCES WORKYEARS STATE	EPA	RESPONSIBLE AGENCY
a. Determinations	6		2	2	2			SHWB, EPA
b. PA/SI					2			SHWB, EPA
9. Exposure information evaluation***	5		1	1	3			SHWB, EPA
10. Surface impoundment waiver	None anticipated							
11. Expanded public involvement	None anticipated							EPA
a. Identify Facilities	3	3						SHWB, EPA
b. Field Assessment	3	1	2					SHWB, EPA
c. Public Plan Preparation	3		1	2				SHWB, EPA
d. Execute Plan	3			2	1			SHWB, EPA
E. Enforcement.							1.24	
1. Amend Enforcement Agreement as appropriate	1		1					SHWB, EPA
2. Warning letters	See Enforcement Agreement for criteria for Items 2 through 6							SHWB, EPA
3. Administrative Orders/NOV	See Enforcement Agreement							
4. Civil actions								
5. Criminal actions								
6. Requests for EPA enforcement action	2		1	1				SHWB

***EPA, HSWA Authority

ACTIVITY/OUTPUT	OUTPUT QUANTITY	BY QUARTER 1	2	3	4	RESOURCES WORKYEARS STATE	EPA	RESPONSIBLE AGENCY
7. Facilities returned to compliance	See Enforcement Agreement							SHWB, EPA
a. Groundwater								
b. Closure/post-closure								
c. Financial assurance								
F. Reports provided to EPA.							.20	
1. Compliance monitoring and enforcement logs	Monthly	3	3	3	3			SHWB
2. Facility status sheets	Monthly	3	3	3	3			SHWB
3. Permit status sheets	Monthly	3	3	3	3			SHWB
4. Statistical inspection/compliance summaries	Quarterly	1	1	1	1			SHWB
G. EPA Oversight.								
1. Inspection	6	2	4				See 2.10 Above Categories	EPA
2. Enforcement actions (Referred to EPA by SHWB)	2		1	1				EPA
3. Permitting								
a. Joint permits	3			1	2			SHWB, EPA
b. Permit reviews	2			1	1			

ACTIVITY/OUTPUT	OUTPUT QUANTITY	BY QUARTER 1	2	3	4	RESOURCES WORKYEARS STATE	EPA	RESPONSIBLE AGENCY
4. Closure/post closure	2		2					EPA, SHWB
5. State program audits	2		1		1			EPA
III. Regulation of Underground Storage Tanks.							1.50	
A. Regulation development			1					SHWB
B. Program development	Ongoing							SHWB
C. Notification	Ongoing							SHWB
D. Public information	Ongoing							SHWB
E. Cooperative agreement development		1						SHWB, EPA

ACTIVITY/OUTPUT	OUTPUT QUANTITY	BY QUARTER 1	2	3	4	RESOURCES WORKYEARS STATE	EPA	RESPONSIBLE AGENCY
IV. Implement Requirements of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)								
A. Investigate sources of release and threats of possible release of hazardous substances.							1.00	SHWB, EPA
1. Perform investigations as provided under 3012 Cooperative Agreement			10/30	1/30	4/30	7/30		SHWB, EPA
a. Quarterly 3012 Report	4							
b. Preliminary Assessments	20							
c. Site Investigations	8							
2. Direct other FIT activities	As Needed							SHWB, EPA
3. Develop submission for National Priorities List (NPL)	2							
B. Review and make funding determinations for CERCLA actions to control releases when responsible party fails to provide proper response.	1							EPA, SWMB
C. Implement Cooperative Agreements and SCAP/ Site Management Plan commitments for remedial investigations/feasibility studies, remedial measures at specific sites.							1.00	SWMB, EPA
1. Milltown								
2. Silver Bow Creek								
3. New sites (as identified)								

ACTIVITY/OUTPUT	OUTPUT QUANTITY	BY QUARTER 1	2	3	4	RESOURCES WORKYEARS STATE	EPA	RESPONSIBLE AGENCY
D. Implement Multi-Site Cooperative Agreements for management assistance.							.90	
1. Number of sites dependent on FY86 SCAP allocations								
E. Monitor enforcement/remedial activities as specified in SCAP commitments and Site Management Plans at sites where responsible parties undertake clean-up activities.							.50	EPA, SHWB
1. East Helena								
2. Anaconda Smelter, Anaconda								
3. Libby								
4. BN Somers								
5. New sites (as identified)*								
F. Reporting requirements including ADP.	Monthly						.05	EPA, SHWB
G. Coordinate CERCLA activities with other statutes (e.g., RCRA/CWA, etc.)								

*Actual number of CERCLA actions initiated will be dependent on FY86 SCAP allocations.

SOLID AND HAZARDOUS WASTE MEDIA WORK PLAN

ACTIVITY/OUTPUT	OUTPUT QUANTITY	BY QUARTER 1	2	3	4	RESOURCES WORKYEARS STATE	EPA	RESPONSIBLE AGENCY
V. Maintain Solid Waste Management Program								
A. Inspection and enforcement.								
1. Continued maintenance of a waste management inspection program.								
2. Prepare and initiate enforcement actions where violations of license conditions have occurred.								
3. Follow-up inspections where enforcement action has taken place.								

Pesticides

Montana is primarily an agricultural state, and as such, requires the use of pesticides to help manage a multitude of pest problems. Based on data collected from commercial applicators, it is estimated that from 2.8-3 million acres are treated commercially each year. There are no accurate statistics available for private applicators, but generally the private applicators treat smaller acreages, do spot treating and field margin treating. In most years, private applicators would probably apply pesticides to 1.5-2 million acres.

The Environmental Management Division (EMD), of the Montana Department of Agriculture (DOA), has a responsibility to not only serve Montana agriculture, but is also mandated to protect the environment and the health of the state's citizens. Toward this end, the Environmental Management Division administers a pesticide applicator certification program and an enforcement program.

Recertification of commercial applicators and dealers has been implemented. Private applicators are on a five year cycle, with one of the five agricultural districts being recertified each year. Commercial applicators and dealers are on a four year recertification schedule. The applicator categories have been divided among the four year period, so that not all categories are due for recertification the same year.

EMD provides pest management services to producers, industry, government agencies and the general public. These services include establishing integrated pest management programs for specific cropping systems, recommendations on use of pesticides, identification and surveillance of pests and the evaluation and resolution of the effects of pesticides on agriculture and the environment. The division also registers pesticide products prior to their use in the state; licenses pesticide dealers, commercial and government applicators and their employees; licenses private applicators, and regulates the sale of pesticides. The department's laboratory provides analytical regulatory and service analysis to other departmental programs and to the general public.

Pesticide specialists conduct dealer, applicator and marketplace inspections. Compliance with record keeping requirements and other provisions of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Montana Pesticide Act (MPA) is monitored and documented.

The analytical laboratory follows its approved quality assurance program for all enforcement samples. Non-regulatory environmental samples follow quality assurance procedures if requested by the submittor. The laboratory participates in the EPA check sample and sample check analysis procedure programs. The laboratory recently improved analytical techniques for the analysis of several biological and environmental samples.

A limited pesticide groundwater sampling program was started in FY 1984. Three different agricultural production areas were selected and groundwater samples have been collected from 22 sites, consisting of domestic wells, two irrigation wells and one gravel pit. All sites were analyzed for organochlorines, several sites were analyzed for aldicarb

(Temik) and 15 sites were analyzed for picloram (Tordon) and phenoxy herbicides. Low levels of several phenoxy herbicides were detected at several sites. Sampling of the positive wells will continue in FY 1986. Selection and monitoring of additional sites will also be conducted.

Monitoring for residues and potential environmental contamination resulting from the use of Specific Exemption (Section 18, FIFRA), Special Local Need (Section; 24(c), FIFRA) and experimental use pesticides will continue in FY 1986.

The DOA's authority for registering pesticides, licensing and certifying applicators, licensing dealers and operators and for conducting inspections and carrying out enforcement actions is provided for in the Montana Pesticides Act, Section 80-8-101 through 306 MCA 1979.

The DOA proposes to continue the comprehensive cooperative enforcement program and agreement with EPA through inspections (including use/misuse, restricted and general use products, records and proper licensing), investigations, pesticide sampling, laboratory pesticide analysis, efficacy studies and enforcement actions. These activities would be continued under the quality assurance agreements made with EPA under previous grants. The DOA's pesticide specialists hold EPA credentials and have the authority to carry out the mandates of the FIFRA as well as the Montana Pesticides Act.

The DOA has been granted "primacy" under Section 26 of FIFRA, as amended. It is the intent of the department to serve as the primary agency in conducting inspections, investigations and sample collection and analysis in accordance with EPA approved procedures and to take effective action against violators. The outputs listed in the media work plan reflect those that are funded by the EPA grant and those that will be funded by the state. The DOA will continue to issue and monitor Section 24(c)'s, Section 18's and experimental use permits.

The DOA's Field Services Bureau and Pesticide Analytical Laboratory will continue to maintain the quality assurance program for sample handling and analysis. The laboratory will continue to provide pesticide analytical services to EPA and other states on a fee basis which will cover the cost of supplies, materials and communications.

The DOA will continue the compliance monitoring strategy for the Label Improvement Program (LIP) requirements as well as the Child Resistant Packaging (CRP) requirements which will be issued by EPA. This compliance monitoring strategy will be reflected under the Producer Establishment Inspection category.

The DOA will continue to investigate pesticide drift problems. This will include defining drift problems in Montana; developing procedures to prevent herbicide damage to, and illegal residues in, off-target vegetative crops, ornamentals and grasses; developing procedures to prevent off-target insecticide drift which may affect human health and cause illegal residues in the environment, and developing sampling techniques and procedures for the collection and analysis of environmental samples affected by drift.

The DOA will continue, in cooperation with the DHES, an educational compliance and enforcement program on disposal of pesticides and pesticide containers in accordance with FIFRA and the Montana Pesticide Act and the RCRA regulations. Most efforts will likely be directed at the small quantity generators.

The DOA will, through records and use inspections, determine if illegal sale or use of suspended, cancelled or restricted pesticides is occurring. Enforcement actions will be initiated for those not in compliance.

The DOA will continue the program of environmental sampling and monitoring. This will include continuing the monitoring program for pesticides in soil, crops, domestic animals and wildlife to provide baseline data on an as needed basis. Monitoring of ground water in selected areas will continue to determine the degree and amount of pesticide contamination.

Inspection of pest control operators (PCO) for misuse during structural applications will continue, but because of the relatively small number of PCO's in Montana this will be a minor priority.

The exposure of Montana farm workers to pesticides before, during or after application appears to be of minor concern. However, use inspections of fields in which workers may be exposed will continue to determine if label safety requirements are being met.

The DOA does not anticipate any major spray programs in Montana during FY 1986. However, should one occur, the Department will monitor it and institute any necessary enforcement actions.

The certification program is a federally mandated program which requires pesticide applicators using restricted-use pesticides to comply with state and federal certification standards. The Montana Certification Plan was approved by EPA and has been in effect since 1976. Recent legislative changes will require that the State Plan be revised and updated to conform with the intent of the Montana Pesticides Act.

Most of the commercial and government applicators requiring certification have been certified, but the strategy will be to conduct at least one general certification course (20 hours) for new applicators who wish to be certified. Approximately 90 percent of the private applicators desiring certification have been certified. The strategy will be to conduct training for private applicators in those counties where the need is expressed.

The strategy will be to maintain the data processing system for the storage of qualification data for dealers and applicators and for the issuance of certification credentials to qualified applicators as well as to newly certified individuals entering the system.

An evaluation of applicator training (both commercial and private) was started in FY 1985. This will be continued, with the final report and recommendations due at the end of FY 1986.

The strategy for recertification will be to provide recertification training for the following applicator categories: Seed Treatment; Industrial, Institutional, Structural and Health Related; Forest Pest Control; Ornamental and Turf Pest Control and Aquatic Pest Control. Additionally, the private applicators in Agricultural District III will receive recertification training specific to their needs (crops, cropping systems and pest complexes present in these counties). The 1985 Legislature passed a bill amending the Montana Pesticides Act which requires that private (farm) applicators attend six (6) hours of recertification training during the five year recertification period.

The specific activities and accomplishment commitments (federal and state) can be found in the Pesticides Media Work Plan.

Contact Persons:

Environmental Management Division, DOA (444-2944)

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PESTICIDE MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE				RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR		THROUGH END OF YEAR		WORKYEARS		
	Date of Completion				STATE	EPA	
Enforcement Program	*G.	P.	G.	P.			
Conduct Agricultural Use Inspections	10	60	10	40			MDA
Conduct Agricultural Follow-up Inspections	30	150	30	90	1.2		MDA
Conduct Non Agricultural Use Inspections	1	6	2	6			MDA
Conduct Non Agricultural Follow-up Inspections	2	10	3	10			MDA
Conduct Experimental Use Permit Inspections	1	2	1	2	.10		MDA
Conduct Producer Establishment Inspections	-	-	3	-	.15		MDA
Conduct Market Place Inspections	40	160	40	160	.2		MDA
Conduct Staff Training	As Needed		As Needed		.5		MDA
Case Preparation/Compliance/Enforcement	As Needed		As Needed		.2		MDA
Conduct Pesticide Dealer Inspections	25	100	25	100			MDA
Review Pesticide Dealer Records	150	400	150	800	.7		MDA
Review Applicator Use Records	50	200	50	200	.2		MDA
Compliance Training	As Needed		As Needed		.2		MDA
Sample Collection, Formulation and Residue	80	128	68	140	1.0		MDA
Formulation Sample Analysis	15	10	18	47			MDA
Residue Sample Analysis Investigations, Complaints, Damage Cases, Environmental, Waste and Water Samples	50	90	35	66	5.0		MDA
Quality Control Samples	15	28	15	27			MDA
EPA pesticide and other organic chemical samples numbers will vary depending on analytical complexity	35		55		1.6		MDA
Certification Program							
Issue certification credentials	--		4,000		1.4		MDA
Provide information to industry on regulatory and certification requirements	--		3,000		.6		MDA
EPA Oversight (includes technical assistance, mid-year and annual evaluations, grant support, Section 18 & 24c support, etc.)						.5	EPA
Submit summaries of enforcement and certification data	At least quarterly						MDA

*G. - Grant Supported P. - Primacy/State Supported

Toxics

Asbestos

EPA regulations requiring public and private elementary and secondary schools in the United States to identify friable asbestos became effective June 28, 1982. Included in the regulations are requirements to identify friable asbestos in building materials, maintain records, notify employees of the location of materials containing asbestos, provide employees with instructions on reducing exposures and notifying parent-teacher associations of inspection results.

EPA's Montana Office will coordinate with the DHES and Montana Office of Public Instruction to assist local education agencies in complying by providing information and technical assistance. School administrators will be informed of the mandatory program and will be provided assistance as needed.

A program for inspecting schools for compliance with requirements will be developed and implemented during FY 1986.

Polychlorinated Biphenyl (PCB)

Updated PCB regulations were promulgated by EPA on August 25, 1982, as the result of a lawsuit settlement. These regulations require the periodic inspection of PCB transformers and increased record keeping procedures.

During FY 1985 more than 25 inspections of facilities using PCB's were performed.

TOXICS SUBSTANCES MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	WORKYEARS EPA	
	Date of Completion				
I. Toxic Substances*					
A. Protect health and well being of school children attending schools that contain friable asbestos-containing materials.				.25	
1. Provide assistance and technical advice to school district administrators in complying with the asbestos rule.					EPA
2. Inspect school districts for compliance with asbestos program requirements. Carry out necessary follow-up action.	10	20			EPA
B. Ensure mutual information exchange regarding significant toxics activities.				.05	EPA
1. Provide quarterly list of inspections performed.	2	4			EPA
2. Notify State of cases filed by EPA within 4 days of the action.					EPA
3. Consult with State on methods of dealing with PCB users both from a consulting and an enforcement viewpoint.					EPA
C. Report within thirty (30) days incidents involving chemical contamination.					DHES, DOA EPA
D. Implement PCB work plan.				.30	EPA
1. Inspect facilities which store or use PCB-containing materials.	10	20			

TOXICS SUBSTANCES MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
2. Prepare any technical documentation in support of enforcement actions for violations found during inspections within forty-five (45) days.					EPA
E. Implement Section 13 Imports Compliance inspection program.	To Be Further Defined by Region			.10	

*Final commitments will be adjusted upward or downward from those indicated above depending on the actual level of resources allocated to the Montana Office in FY86.

Quality Assurance

Quality Assurance is a requirement of all programs.

A description of the work plan follows.

QUALITY ASSURANCE MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
I. PESTICIDES	Semi-Annual Review	EOY Review	.30	.10	
A. Evaluate State's QA plans and activities associated with the Pesticide Enforcement Grant; provide audit samples.					EPA
B. Operate the State's Pesticide QA Program.					MDA
C. Participate in systems audit.					MDA
D. Submit QA plan for FIFRA monitoring program during the grant application process.		Grant Approval			MDA
II. HAZARDOUS WASTE	Semi-Annual Review	EOY Review	.30	.10	
A. Continue to develop and improve the State's Hazardous Waste Program.					SHWB
B. Evaluate State's QA plans and activities associated within the Hazardous Waste Program; provide audit samples (as available).					EPA
C. Submit QA Plan during grant application process.					SHWB
D. Implement the State's QA Program.					SHWB

QUALITY ASSURANCE MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
III. WATER PROGRAMS	Semi-Annual Review	EOY Review			
A. Ambient Water Monitoring			.50	.10	
1. Evaluate State's water monitoring QA program.					EPA, QAO
2. Operate State's QA program.					WQB
3. Submit State's QA plans for water monitoring/NPDES for review during grant application.					WQB
4. Review/approve QA plan.		30 Days from Receipt			EPA
B. Safe Drinking Water Act	Semi-Annual Review	EOY Review	1.00	.10	
1. Evaluate and certify State Principal Laboratory(s).		6/30/86			EPA, QAO
2. Administer SDA Certification Program.					WQB
3. Evaluate and audit local certified laboratories.					WQB
4. Submit States SDWA QA plans for review during grant application.					WQB
5. Review SDWA QA plan.		30 Days from Receipt			EPA, QAO
C. Provide reference samples for water laboratories upon request.	Semi-Annual	EOY			

QUALITY ASSURANCE MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
IV. AIR	Semi-Annual Review	EOY Review	1.00	.20	
A. Ambient: Continuing implementation of 40 CFR Part 58 Ambient Air Monitoring Quality Assurance Regulations.					AQB
B. Source: Continuing implementation of QA requirements for 40 CFR Parts 52 and 60, regarding stack testing and continuous emission monitoring for SIP and NSPS sources.					AQB, EPA
C. Submit QA plan for special purpose monitoring not part of monitoring program described in annual network review and covered by current SLAMS QA plan.					AQB
D. Provide assistance upon request.					EPA, RTP
V. ALL MEDIA	Semi-Annual Review	EOY Review			
A. Review State Quality Assurance (QA) documentation annually.					EPA, QAO
B. Support State's QA activities and provide assistance as necessary.					EPA, QAO
C. Submit annual QA Report.					MDA, DHES
D. Participate in systems audit as requested.					MDA, DHES
E. Successfully analyze performance evaluation samples as directed.					MDA, DHES
F. Implement the QA Program.					MDA, DHES
G. Redraft of unapproved plans are due 30 days after comments were given.					MDA, DHES

CATEGORICAL

National Environmental Policy Act (NEPA)

The highest priority activity under NEPA is review of USFS management plans and environmental impact statements. These plans identify long-range management alternatives and will therefore determine environmental protection for much of the remaining pristine areas in Montana.

Other activities reviewed under NEPA include:

- BLM project proposals,
- Bonneville Power Administration (BPA) transmission lines,
- USFS seismic projects and
- Municipal waste treatment grant projects.

Public Participation

The comments of interested persons, lawmakers, State, Federal and local health and/or environmentally-related agencies and appropriate citizen advisory groups were sought through the drafting and distribution of this agreement.

New phases of programs and developments were presented to interested persons and agencies via news media releases, newsletter articles, TV and radio media.

CATEGORICAL MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
I. Emergency Response					
A. Immediate removal action in response to releases or substantial threats of releases of hazardous substances.			.10	.20	
1. Upon request by the State provide Federal on-scene coordinator (OSC) to monitor responsible party action for all severe releases requiring immediate removal.	Quarterly Review	Quarterly Review			EPA
2. Upon request by the State provide funding (if available) and OSC for immediate removal of releases when responsible party fails to provide proper response.	Quarterly Review	Quarterly Review			EPA
3. Carry out all State responsibilities under the State Environmental Emergency Response Plan and provide State OSC to monitor responsible party action for releases where Federal OSC not required.	Quarterly Review	Quarterly Review			State
B. Response to oil spills entering or threatening surface waters.			.20	.20	
1. Provide funding (if available) and direct cleanup of all spills when responsible party fails to properly respond.	Quarterly Review	Quarterly Review			EPA, State
2. Provide OSC for all major and selected medium spills to monitor response by responsible party.	Quarterly Review	Quarterly Review			EPA, State

CATEGORICAL MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
3. Provide OSC for selected medium and all minor (when necessary) spills and carry out responsibilities under State Contingency Plans.	Quarterly Review	Quarterly Review			State
C. Contingency Planning.			.10	.10	
1. Update Region VIII Oil and Hazardous Substances Pollution Contingency Plan.	6/86				EPA
2. Update State Environmental Emergency Response Plan.	Semi-Annual Review	Review EOY			State
D. Training of State and Local Emergency Response Personnel.			.03		
1. Ensure adequate safety training provided to State personnel responding to hazardous material emergencies.	Within 90 days of hire, refresher training annually				WQB

CATEGORICAL MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
II. Indian Air Program Technical Assistance					
Assist five tribes with the air monitoring, meeting monthly between State and EPA to review activities and progress.	6 meetings	12 meetings	1.0	.10	EPA, AQB
III. Indian Pesticides Program					
Assist Northern Cheyenne Tribe to implement enforcement program.				.10	EPA
IV. Flathead Basin Commission					
Serve as EPA representative on Flathead Basin Committee.	4 meetings per year			.05	EPA
V. Federal Agency EIS Review				.90	EPA
A. Review Federal agencies (BLM, FS, BPA, USGS, OSM) submissions.	Complete Review on Schedule	EOY Review			EPA
B. Interact with various Federal agencies to gain environmentally acceptable projects.	Semi-Annual Review	EOY Review			EPA
1. Pre-EIS consultation/EIS review of Forest Service Management Plans.					
2. Pre-EIS consultation/EIS review of BLM grazing plans, energy area land use plans, and other land use plans.					

CATEGORICAL MEDIA WORK PLAN

ACTIVITY/OUTPUT	MILESTONE		RESOURCES		RESPONSIBLE AGENCY
	THROUGH MIDYEAR	THROUGH END OF YEAR	WORKYEARS STATE	EPA	
	Date of Completion				
3. Pre-EIS consultation/EIS review of highway plans, airport plans, etc.					
4. Pre-EIS consultation/EIS review of water development projects.					
VI. Public Participation			1.20	.96	
A. Maintain mailing list of persons and organizations who have expressed an interest in or may be affected by any environmental issue or program.	Review Semi-Annual	Review EOY			DHES, DOA EPA
B. Provide copies of draft and final SEA to each state, public and college library.	5/85 7/85				EPA
C. Provide draft and final Agreement to interested public.	5/85 7/85				EPA
D. Provide summary of comments to public who responded to requests for comments.	7/85				DHES
E. Collect news articles about pertinent programs to determine public opinion.	Weekly to OEA	Weekly to OEA			DHES, DOA EPA

Cabin Creek International Joint Commission

Flathead Lake, Glacier National Park, the wild and scenic Flathead rivers and a great expanse of mountains, forests and highly productive agricultural valleys are located in the Flathead Basin area in Montana. The Flathead Basin is also the site of accelerating timber harvest, oil and gas exploration and possibly coal mine development on the Canadian side of the North Fork Flathead River.

The North Fork drains southward out of Canada, forms the western boundary of Glacier Park, and finally after meeting the Middle and South forks, empties into Flathead Lake. These rivers are all classed under the Wild and Scenic Rivers Act and are important fisheries and recreational resources.

A Canadian firm, Sage Creek Coal, proposed to construct and operate a very large open pit coal mine five miles north of the International Boundary on one of the North Fork's major tributaries. Sage Creek Coal filed its Stage II application on this project in 1982. Stage II is an "approval in principle" to undertake the proposal. The British Columbia government agreed to allow EPA and the State of Montana to review the Stage II documents.

Over 100 pages of comments were sent to the British Columbia government under Governor Schwinden's signature. EPA Region VIII's concerns were incorporated into the review prepared by the U.S. Department of Interior. EPA and the State were, and remain, concerned with water quality, visibility, wildlife endangerment, and reclamation issues.

The British Columbia government approved the Stage II application in the Spring of 1984. Sage Creek Coal has five years from this approval date to gain Stage III approval, receipt of the individual operating permits. If these permits are not received within that time frame, the entire process essentially starts over. Present economic conditions are such that Sage Creek Coal has not actively pursued these permits.

In February 1985, the International Joint Commission (IJC) agreed to accept a reference from the United States and Canadian governments. The 18 month effort would study water quality issues associated with construction and operation of the Cabin Creek Mine. The initial activity is the selection of Board and Committee members.

The State of Montana and EPA will be actively involved in the 18 month evaluation. EPA is awarding $95,000 to the State of Montana to help defray costs for its IJC participation.

MONTANA FY 86 PROGRAM BUDGET

Program	Last Quarter Federal FY 85 Funds	Federal FY 86 Funds	State FY 86 Funds	T Fu
Air Pollution Control (Section 105)	137,500	412,500	358,460	90
Indian Technical Assistance	12,000[a]	41,250[a]	-0-	5
Water Pollution Control (Section 106)	95,000	304,964	84,283	48
Groundwater	40,000	75,000[b]	-0-	11
Cabin Creek (IJC)	95,000[b]	-0-	-0-	9
Water Quality Management Planning (Section 205(j))	12,084 (84) 119,160	-0-	105,486	23
Construction Grants (Section 205(g))	453,825 (84) 476,640	-0-	-0-	4
Advance of Allowance (Small communities for planning and design)	7,000 (84) 40,000	-0-	-0-	
Drinking Water				
Public Water System Supervision (Section 1443(a))	76,425	241,650	108,248	42
Underground Injection Control	96,075	105,300	-0-	20
RCRA (Section 3011)				
Hazardous Waste Management (Base)	66,025	198,075	88,033	35
Hazardous Waste (Authorized Bonus)	-0-	21,900	7,300	2
Hazardous Waste (Public Participation)	-0-	10,000[c]	3,334	1
LUST Program	-0-	93,750[c]	4,934	9
Small Quantity Generators	-0-	16,000[c]	1,778	1
FIFRA				
Pesticide Enforcement (Sec. 23(a)(1))	47,500	94,500	52,281	18
Discretionary funds	-0-	83,125	30,844	11
Pesticide Applicator Certification and Training (Section 23(a)(2))	19,200	-0-	19,200	3
Incentive funds (Base)	-0-	97,000	97,000	19
CERCLA - Superfund				
Milltown (7/83 to 12/85)	933,672	-0-	32,797[d]	96
Silver Bow (10/83 to 10/86)	2,120,522	-0-	-0-	2,12

[a]Estimate

[b]Special groundwater, reallocated monitoring, and IJC funding passed through 106 gr

[c]May be available later

[d]100% Federal unless privately-owned site then 10% State match required for remedia implementation costs

COOPERATIVE ENFORCEMENT AGREEMENTS

Achieving and maintaining a high level of compliance with environmental laws and regulations is one of the most important goals of Federal and State environmental agencies, and is an essential prerequisite to realizing the benefits of our regulatory programs. While State and local governments have primary responsibility for compliance and enforcement actions within the State, EPA retains responsibility for ensuring fair and effective enforcement of Federal requirements, and credible national deterrence to non-compliance. An effective State/Federal partnership is critical to accomplishing these goals, particularly given limited State and Federal resources.

The inclusion of the enforcement agreements as appendages cover all aspects of the State's and EPA's compliance and enforcement programs including those activities involving Federal facilities within Montana. These agreements do not duplicate national program guidance. National policy will apply where not clearly specified elsewhere.

Appendix A

COOPERATIVE ENFORCEMENT AGREEMENT

Between

THE U. S. ENVIRONMENTAL PROTECTION AGENCY

and

State of Montana

National Pollutant Discharge Elimination System

PURPOSE: To provide an updated description of the cooperative procedures used in Montana to assure an effective State/EPA partnership in enforcement.

SCOPE: This Memorandum of Agreement describes routine State/EPA consultation and coordination procedures for enforcement activities in the water pollution control program. It also describes how EPA oversight of the Montana MPDES program is carried out.

BACKGROUND: Since 1974 the State of Montana has operated a comprehensive wastewater discharge permit program (MPDES) as delegated under the Federal Water Pollution Control Act (Clean Water Act). The program has evolved over the years into an effective, professional organization with experienced personnel in the areas of permitting, compliance monitoring, and enforcement. Since the beginning of the program their has been continuous co-habitation of State and EPA staff in order to carry out joint responsibilities under the State and Federal Water Pollution Control Acts.

In order to update and better define the current procedures that are followed by State and Montana EPA Office staff in carrying out their respective compliance and enforcement responsibilities, the following enforcement program description has been developed.

REPORTING: The State reviews all compliance information for all permittees and prepares and submits to EPA the Quarterly Noncompliance Report (QNCR). This document serves as the basic mechanism for tracking and coordinating compliance activities involving major permittees. Supplementary compliance information from P. L. 92-500 minor permittees is also summarized and submitted to EPA on a semi-annual basis.

COORDINATION: There is continuous daily interaction on all major permit and compliance issues by State and EPA staff which is made possible by cohabitation of staff. On a monthly basis a joint meeting is held to review the status of all violations by all permittees. Participants are the State permits and compliance staff, as appropriate, and the Montana EPA Office permits and compliance engineer.

Prior to the meeting, the State develops a summary of all violations and any supplementary information. During the meeting, the most recent QNCR is reviewed to determine if any permittee on the QNCR has continuing violations. A written record is maintained to document all State and/or EPA actions taken with regard to all violations, significant or not. A full range of enforcement actions may be taken, including joint issuance of Notices of Violations (NOVs).

At the first monthly meeting following submittal of the QNCR, the State and EPA discuss any EPA comments on the State's preceeding QNCR. EPA's comments may include: the permittee in question, the State action in question, the recommended action to be taken by the State and/or EPA, and the State's average response time and average compliance rate.

The common goal of the State and EPA is to cause permittees to achieve prompt and sustained compliance. If full agreement on appropriate State and/or EPA actions cannot be reached, the discussion will be escalated to the next administrative level by both parties.

POLICY:

The following enforcement response guidelines define the basic implementation criteria for the Montana Cooperative Enforcement Management Program:

1. The State and EPA will continue to evaluate all instances of noncompliance within 30 days from the identification of a violation to determine and document appropriate enforcement response,

2. As has been established practice, prior to the appearance of any permittee on the QNCR, an appropriate enforcement response will be taken by the State, and

3. Prior to a permittee appearing on the subsequent QNRC for the same violation, the permittee will either have returned to compliance or a formal enforcement action initiated by the State. Formal enforcement actions will be defined as those which (a) clearly define the violation(s) identified, (b) require corrective actions by a specified date certain, and (c) describe enforcement consequences should the violations not be corrected as required.

Appendix B

COOPERATIVE ENFORCEMENT AGREEMENT

Between

THE U.S. ENVIRONMENTAL PROTECTION AGENCY

and

MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

Public Water System Supervision Program

The following document is an integral part of the FY 86 Montana-EPA Agreement.

I. PURPOSE

The purpose of this agreement is to detail the Montana Department of Health and Environmental Sciences (MDHES) and EPA activities which will be conducted to increase the compliance levels of public water systems to achieve State and Federal Drinking Water goals.

II. COMPLIANCE PRIORITIES AND STRATEGIES

A. Federal Reporting Data System (FRDS)

This national data base serves as a storage system for the inventory and violation information on all of the regulated public water systems (PWS). It also is the basis for the Public Water System Supervision Program grant allocations. The State agrees to provide inventory, violation and enforcement updates to this system within 90 days of the end of each quarter.

B. Federal and State Priorities

1. Region VIII priorities for the Drinking Water program are outlined in the FY 86-87 "Water Program Guidance for State/EPA Agreements" which was distributed to the MDHES in June 1985. The major priorities outlined in this document include increased compliance, formal enforcement, data verification, quarterly reporting, non-community systems and volatile organic chemicals.

2. One of the MDHES's highest priorities is to eliminate, or provide treatment for, surface water sources with no treatment or with disinfection as the only treatment.

C. Compliance Strategy

The Drinking Water Section is currently working with EPA toward the development of an official State compliance strategy. This strategy will be finalized by August 2, 1985 and implemented immediately thereafter.

D. Inspection/Sanitary Survey Policy

The Drinking Water Section currently uses the following priorities to determine when water systems will be inspected.

1. Priority I (Inspected ASAP)

   a) Systems suspected of water-borne disease outbreaks.

   b) Systems which may, for any reason, endanger public health.

2. Priority II (Inspected annually)

   a) All surface water supplies.

   b) All supplies that are persistent violators of the bacteriological or chlorine residual monitoring requirements.

   c) All supplies with known problems (operational, MCL, monitoring, system integrity, etc.).

   d) All systems on a compliance schedule.

3. Priority III (Inspected once every three years)

   a) Ground water supplies with no known significant problems or deficiencies.

   The number of sanitary surveys/inspections performed will be reported to EPA quarterly.

E. Compliance Targets

The FY 86 compliance targets for microbiological and turbidity MCL's and monitoring are as follows:

1) Microbiological MCL - 93% compliance from all systems and no more than 0.5% persistent violations.

2) Microbiological M/R - 75% compliance from all systems and no more than 7% persistent violators.

3) Turbidity MCL - 97% compliance from all systems and no more than 0.5% persistent violators.

4) Turbidity M/R - 93% compliance from all systems and no more than 1% persistent violators.

F. Compliance Improvement Targets

The compliance improvement targets are goals for returning persistent non-complying systems to compliance without requiring legal action. The FY 86 compliance improvement targets for microbiological and turbidity MCL's and monitoring are as follows:

1) Microbiological MCL - 20% of non-complying systems at the end of FY 85 will be returned to compliance without legal action being required to be taken.

2) Microbiological M/R - 20% of non-complying systems at the end of FY 85 will be returned to compliance without legal action being required to be taken.

3) Turbidity MCL - 20% of non-complying systems at the end of FY 85 will be returned to compliance without legal action being required to be taken.

4) Turbidity M/R - 20% non-complying systems at the end of FY 85 will be returned to compliance without legal action being required to be taken.

III. COMPLIANCE MONITORING

A. State Data System

The Drinking Water Section currently utilizes a combination of methods to receive and record data, determine violations, track compliance and initiate follow-up. The following describes the method used for each of the required groups of parameters that are monitored:

1. Bacteriological - All laboratories send the results of analyses directly to the Drinking Water Section. A summary of the results are stored by water system by month on the Wang Word Processor. Monitoring violations are determined by manually reviewing the summary file for missing data. Missing data initiates follow-up action in the form of routine letters of violation being sent to the violating water system. Any result with a positive coliform count receives immediate attention from the staff until the problem is resolved.

2. Turbidity - Water systems send the results of daily monitoring each month (on forms provided to them) to the Drinking Water Section. The monthly average and the fact that they have monitored are transposed to a summary sheet. The results of this are scanned monthly and routine letters sent out as needed.

3. Inorganic and Organic Chemicals and Radionuclides - Analyses are entered into a computerized system. Samples are collected by the MDHES as needed during a routine inspection of the water

system. Since all existing water systems have been routinely monitored at least twice, all existing violations have been identified. New water systems are required to have an analysis done before they are allowed to begin operation.

B. Data Verification

EPA will perform data verification on the FY 85 data submitted by the Drinking Water Section by June 1, 1986.

C. Certified Lab Program

To insure that the sample results received by the Drinking Water Section accurately reflect the actual quality of the water systems, all samples are required to be analyzed in a MDHES certified laboratory. The MDHES's lab certification program received EPA approval on March 28, 1978. The Drinking Water Section's Quality Assurance policies have also received EPA approval.

IV. NON-COMPLIANCE RESPONSE

A. Compliance Strategy

The MDHES's "Compliance Strategy" (see Section II Compliance Priorities and Strategies) establishes the basis and procedures for all routine non-compliance decisions concerning follow-up and enforcement.

B. Persistent Violators

The Drinking Water Section has purchased and is awaiting delivery of a computer network system. Until this system is installed and the expected beginning operational problems resolved, the existing manual management system will continue to be used.

C. Enforcement Actions

The MDHES currently tracks all drinking water enforcement actions. The Drinking Water Section will report these quarterly for entry into FRDS. It is important that enforcement actions be taken in a "timely and appropriate" manner. The Drinking Water Section will provide to EPA by December 30, 1985, a description of their system for a timely and appropriate enforcement response for microbiological and turbidity MCL and monitoring violations.

D. Enforcement Action Targets

The FY 86 target for legal enforcement action against persistent microbiological and turbidity MCL and monitoring violators is 16 civil cases referred to the Legal Division of MDHES.

E. EPA Enforcement Involvement

EPA involvement in formal enforcement cases will follow the guidance put forth in a memo dated April 10, 1984 from Victor Kimm, Director, Office of Drinking Water to Louise D. Jacobs, Associate Enforcement Counsel for Water. The memo is entitled "Draft Enforcement Guidance Regarding Public Water systems in States Which Have Primary Enforcement Responsibility."

EPA will become involved when invited by the MDHES under Section 1414(b)(2) of the Safe Drinking Water Act or when the MDHES is ineffective in applying their compliance strategy within a reasonable amount of time. EPA will not take a unilateral enforcement action within Montana, without first giving proper notification to MDHES.

Appendix C

COOPERATIVE ENFORCEMENT AGREEMENT

Between

Montana Department of Health and Environmental Sciences

and

U. S. Environmental Protection Agency, Region VIII

Air Program

I. Scope

A. The purpose of this agreement is to delineate and clarify the responsibilities of the EPA and the Montana Department of Health and Environmental Sciences (MDHES) in the implementation of all federally enforceable air pollution control requirements for stationary sources within Montana. It is expected that a Federal-State partnership will result which will effectively carry out the intent of the Clean Air Act. It is anticipated the protocol will be modified and expanded in future years to reflect changes in state and national policies.

It is assumed the MDHES will address violations of air pollution regulations within its jurisdiction. It is not intended that focusing on a limited group of violators for purposes of this protocol will detract from the importance of addressing other violators and the rights and responsibilities of the MDHES or EPA to do so.

B. 1. This protocol applies to the following types of violations:

(a) Class A SIP sources in nonattainment areas in violation of standards for the pollutant for which the area is nonattainment;

(b) Class A sources in violation of an NSPS, PDS, nonattainment, or permit requirement;

(c) Class A sources that are repeat violators;

(d) Class A sources violating an MDHES or EPA Consent Order; and

(e) Class A sources in violation of an MDHES or EPA enforcement order.

2. This protocol does not apply to emergency episodes, sources constructing without a valid permit, NESHAP's violations, or violations of Montana standards which are not federally enforceable (e.g., fluoride-in-forage, hydrogen sulfide, etc.). In the case of emergency episodes of NESHAP's violations, the

seriousness of the violations will require expedited action. In the case of a source constructing without a permit, options for obtaining relief may be foreclosed by allowing the source to continue to construct and, therefore, expedited action may be essential.

II. Timelines for Enforcement Action

A. Enforcement action schedules begin 30 days after the date of the inspection or receipt of a source self-monitoring report which first identifies the violation. This should provide sufficient time for an evaluation of the inspection or source report to determine if a violation exists. If, however, during this 30-day period, the MDHES determines that a stack test or a sample analysis is required to confirm the violation, the enforcement action schedule (clock) does not start until the date or receipt of the stack test or sample analysis report.

B. By day 45, the source should be notified by the MDHES of the violation and its need to remedy the violation. Notification shall be in written form. The source may also be advised by phone of the forthcoming notification or action.

C. By day 120, the source shall either be:

1. in compliance;

2. on an enforceable MDHES administrative or judicial order;

3. on a scheduled appeal of an MDHES administrative order to the Board of Health & Environmental Sciences; or

4. subject to a proposed SIP revision which has been scheduled for a hearing and which Region VIII Montana Office staff believes is likely to be approved.

Failure by MDHES to also seek a civil or criminal penalty in accordance with Section IV of this protocol may result in a separate or joint action by EPA.

D. MDHES will monitor conformance with any "schedule of compliance" issued in accordance with this protocol. MDHES will keep EPA informed of the violator's progress toward compliance according to established reporting requirements. If a SIP revision is initiated, EPA will discuss this with the MDHES and may choose to initiate a parallel federal action. No formal timelines are established for this stage of the enforcement process.

E. If none of the actions specified in C. above have occurred by day 120, EPA will discuss with the MDHES the status of its actions and its expectations. If discussions suggest that Montana is near a resolution of the violation or that further deferral is otherwise appropriate, EPA will defer any action. If EPA determines that further deferral is not justified, it will proceed with its own action.

F. When EPA takes the lead in a case, it will act to get the source in compliance, on a schedule, or subject to Section 120 action or judicial referral within 120 days of its assumption of the lead. MDHES participation in the action will be encouraged, even though the lead has been assumed by EPA. The possibility of a joint action will be considered as an alternative to a unilateral EPA action where feasible.

III. Issuance of NOV's by EPA

A. At day 90, EPA, after consultation with MDHES on the progress of the case to date, may take one of the following actions as circumstances dictate:

1. initiate case development activities through an inspection or issuance of a Section 114 letter;

2. advise the source that EPA will issue an NOV in 30 days if the source does not reach an acceptable resolution with the MDHES before that date. (This will be used only where such an action by EPA is likely to be of significant value in prompting the source to reach an acceptable agreement with the MDHES); or

3. issue an NOV, if requested to by the MDHES, or if it is clear that a resolution will not be reached by the state by day 120 and that the environmental significance of the source warrants EPA action.

B. EPA will routinely issue NOV's on (or shortly thereafter) day 120 if the violations are not resolved according to II.C. of this protocol. (NSPS sources will receive Section 113 Orders rather than NOV's.)

C. Any NOV issued on day 120 will be issued only after consultation with the MDHES. If there is some compelling reason why the NOV should not be issued, EPA will defer its issuance. However, this is not anticipated to occur in most cases.

D. Any NOV issued by EPA in accordance with A.3 or B. above will indicate that EPA is still looking to the MDHES to resolve the matter and further EPA action will be required only in the absence of an acceptable, prompt resolution.

E. If EPA finds a violation independent of the MDHES, EPA may immediately issue an NOV. (Does not apply if violations were discovered in a joint inspection.) However, prior to a decision to issue an NOV, EPA will discuss with Montana the circumstances of the violation. EPA will resolve in consultation with the MDHES who will take the lead for the source and the nature and timing of follow-up action.

F. EPA will transmit to the MDHES copies of all NOV's it issues to sources in Montana. If the violation clearly impacts upon the air quality of an adjacent state, EPA will transmit a copy of the NOV to that state as well.

IV. Penalties

A cash penalty of sufficient magnitude appropriate to the violation is required as an element of the resolution of the following classes of violations. If the penalty is not obtained by the MDHES, an EPA action will be brought. Also, if MDHES chooses to obtain a compliance schedule but not a penalty, a separate EPA action may be appropriate.

The classes of violations subject to this protocol for which a significant cash penalty are required are:

A. Class A SIP sources in nonattainment areas in violation of standards for the pollutant for which the area is nonattainment unless the source is subject to a compliance schedule or subject to approvable SIP revisions. This does not apply to opacity violations in nonattainment areas for total suspended particulate.

B. Class A violators of nonattainment, PSD, or NSPS requirements which continue to operate after failure to demonstrate initial compliance. (This does not apply during periods which regulations specifically allow for start-up, debugging, etc.); or

C. Violators which Montana or EPA determines are repeat violators.

V. Consultation and Data Transfer

A. EPA and the MDHES will conduct at least monthly consultations to discuss compliance efforts. During these discussions, information exchange relative to obtaining compliance and penalties will occur. This exchange will include at least the following items:

1. The MDHES will identify any newly-found violators subject to this protocol.

2. The MDHES will identify sources notified of noncompliance during the month consistent with Section II.B.

3. The MDHES will identify violators which the State has taken action against consistent with Section II.C., including penalties as noted in Section IV.

4. The MDHES will discuss the status of other pending enforcement actions as appropriate.

5. EPA will identify sources for which it has completed action and provide the status of other sources where action is pending or in progress.

6. EPA will identify any sources it found in violation and confer with the MDHES in accordance with Section III.D.

B. The CDS will be updated by EPA on a monthly basis, based on information provided by the MDHES, to reflect:

1. Compliance status changes for newly-identified violators which are in violation on the last day of the month prior to the consultation and which were or are expected to be in that status for 7 days or more;

2. Sources notified of noncompliance;

3. Sources with completed enforcement actions, including any schedules and incremental dates for returning them to compliance; and

4. Sources found to be in compliance with final limits.

C. Inspection results other than those affected by the above will be provided in accordance with current practices and EPA accountability system requirements.

D. EPA and Montana will share inspection results and monitoring reports for use in enforcement proceedings to the extent practicable.

Appendix D

COOPERATIVE ENFORCEMENT AGREEMENT

Between

THE U. S. ENVIRONMENTAL PROTECTION AGENCY

and

State of Montana

Hazardous Waste Program

I. INTRODUCTION/POLICY STATEMENT

This agreement defines the relationship between the Montana Department of Health and Environmental Sciences (MDHES) and the U. S. Environmental Protection Agency (EPA) Region VIII in the enforcement of hazardous waste requirements. Effective July 1, 1985, this agreement replaces the current Enforcement Action Section (VIII) of the Montana Hazardous Waste Management Memorandum of Agreement. As significant new policies are introduced, there is flexibility to modify MDHES's enforcement operations prior to the routine updating of this agreement that may occur each fiscal year.

The goal of the Resource Conservation and Recovery Act (RCRA) is to protect human health and the environment. The EPA expects to meet this goal by achieving and maintaining a high level of compliance within the regulated community. To do so requires the establishment of a credible enforcement presence by the States and EPA.

The State of Montana has primary responsibility for the enforcement of State hazardous waste statutes, regulations and policy, as recognized by EPA approval and formal authorization of the State's hazardous waste program. Except where EPA has primary authority and responsibility for the enforcement of new or nondelegated Federal requirements, EPA will act in an overview capacity exercising its authority where Montana has requested EPA involvement or when MDHES's enforcement response is determined by EPA to be inadequate or untimely.

MDHES and EPA further agree that whenever individual circumstances are not covered by this Agreement for the purposes of ascertaining an adequate enforcement response, EPA will notify the State of its position in writing and give Montana a reasonable opportunity to act prior to EPA initiating a Federal enforcement action.

Nothing in this agreement shall, or shall be construed to, constitute a valid defense by regulated parties in violation of any Montana or Federal environmental statute, regulation, or permit.

II. ENFORCEMENT PERFORMANCE AND OVERSIGHT

The enforcement oversight goal is to ensure a high quality State compliance and enforcement program. The enforcement performance of Montana will be evaluated on the basis of the criteria in the following documents:

A. MDHES Authorization Application and Agreements.

B. Compliance/enforcement criteria as contained in the "Interim National Criteria for a Quality Hazardous Waste Management Program under RCRA" (May 25, 1984). (Exception: Timelines as contained on pages 23 and 24 are replaced by timelines under the section of this agreement entitled, "Timely and Appropriate Enforcment Action".)

C. MDHES commitments in the SEA/grant work plan as written to reflect the current RCRA Implementation Plan.

The compliance oversight effort by EPA will use the most current Montana Oversight Plan.

III. TIMELY AND APPROPRIATE ENFORCEMENT ACTION

A. It is important that both MDHES and EPA have the same concept of timeliness. To meet that objective, MDHES and EPA agree to the following "timeline" for addressing high priority Class I violations as defined in Attachment I. This agreement supersedes and clarifies other schedules that may address "timeliness".

1. Within 30 days of the date of violation discovery*, all documentation establishing the facts of the violation is to be compiled.

2. Within 60 days of the date documentation is compiled (within 90 days of violation discovery), MDHES agrees to take one of the following actions:

   (a) Referral to the MDHES Legal Unit (or to the Attorney General) for formal enforcement action with penalties which are appropriate to the violation, or
   (b) Referral to EPA for issuance of an administrative complaint with appropriate penalties or filing of a judicial action in Federal District Court.

3. EPA may submit a letter to the MDHES Director if a high priority Class I violation is identified by EPA. This letter will advise the Director of EPA's intention to take direct enforcement action if the MDHES fails to follow the timeframes as established or files an action in which the penalties sought are not appropriate to the violation. When MDHES has made reasonable progress in returning a facility to compliance or is processing an enforcement action, EPA response may be deferred.

4. MDHES agrees to perform follow-up inspections, record reviews, or take whatever action is necessary to certify that the facility has been returned to compliance or is progressing toward compliance under the terms of an enforceable compliance schedule.

5. EPA may also consider assessing a penalty if it feels that the penalty assessed by the State was egregiously small, as judged according to the State's penalty policy or procedures established by the State for determining penalty amounts. Before initiating any penalty-only action, EPA must weigh the benefit of that action with the need to take action against handlers that are out of compliance with applicable requirements.

B. MDHES and EPA agree to the following "timeline" for Class I violations (defined in Attachment I):

1. Within 30 days of the date the violation discovery*, all documentation establishing the fact of the violation is to be compiled.

2. Within 30 days of the date documentation is compiled (within 60 days of violation discovery), an initial enforcement action [either a Notice of Violation (NOV), Warning Letter (WL) or an Administrative Order (AO)] is to be taken.

3. Within 60 days of the date of the initial enforcement action (within 120 days of violation) the MDHES shall take whatever action is necessary to certify that the facility has returned to compliance or is progressing toward compliance on an enforceable schedule.

4. If the source is not in compliance at the time of compliance evaluation, then MDHES agrees to:

   a. Refer the case to the MDHES Legal unit or the Attorney General within 30 days of compliance evaluation,
   or
   Refer the case to the EPA within 30 days of compliance evaluation.

   b. Issue a Compliance Order within 60 days (if not issued previously) of compliance evaluation,
   or
   Enter into a compliance agreement with an enforceable schedule for compliance within 60 days of compliance evaluation.

5. EPA may also consider assessing a penalty if it feels that the penalty assessed by the State was egregiously small, as judged according to the State's penalty policy or procedures established by the State for determining penalty amounts. Before initiating any penalty-only action, EPA must weigh the benefit of that action with the need to take action against handlers that are out of compliance with applicable requirements.

C. MDHES and EPA agree to the following "timeline" for Class II violations as defined in Attachment I.

Event	Day
Violation Detected and Documented	0
Warning Letter	60
Compliance Achieved and Documented	90
[or]	
NOV/AO Issued	120
Date of Required Compliance	As Specified in AO

D. EPA may submit a letter to the MDHES Director if a Class I violation is identified by EPA. This letter will advise the Director of EPA's intention to take direct enforcement action if the MDHES fails to follow the timeframes as established or files an action in which the penalties sought are not appropriate to the violation. When MDHES has made reasonable progress in returning a facility to compliance or is processing an enforcement action, EPA response may be deferred.

IV. CRITERIA FOR DIRECT EPA ENFORCEMENT

Montana and EPA agree that EPA may initiate Federal enforcement action under the following circumstances:

A. When requested in writing by the State.

B. If EPA determines that the State enforcement action does not constitute a "timely and appropriate enforcement response" as defined in Section III above, and notifies MDHES in writing as outlined in this Agreement.

* A violation is discovered as of the date when the case development staff determines through review of the inspection report correspondence and/or data that a violation has occurred (e.g., should be no longer than 2 weeks after initial record reviews, inspections, etc. but could be longer where laboratory reports are needed).

C. When the State has initiated a timely and appropriate enforcement response by referring a case to the MDHES Legal unit or to the State Attorney General's Office but the case is not filed within 120 days of such referral unless otherwise specified in this Agreement.

D. When the facts in any individual case warrant an action under Section 7003 of RCRA and the MDHES after being given notice by EPA, has not initiated action for injunctive relief.

E. When one or more of the following situations exists:

1. Violation of EPA order or consent decree;

2. Cases specifically designated as nationally significant (e.g., significant noncompliers, explicit national or regional priorities);

3. Legal precedents;

4. Interstate issues;

5. Significant environmental or public health damage or risk involved;

6. Significant economic benefit gained by violator;

7. Repeat violators;

8. Areas where Montana authority may be inadequate.

V. REPORTING - See Section VI A 2 and VII B.

VI. FEDERAL FACILITIES

EPA may respond to violations at Federal Facilities in accordance with agency policy entitled: "Federal Facilities Compliance Program: Resolution of Compliance Problems at Federal Facilities." Nothing in this agreement shall preclude MDHES from responding to violations by Federal facilities in a manner consistent with its authorized program. Every effort will be made by MDHES and EPA to coordinate their response to violations by Federal facilities so as to avoid to the extent possible contrary or inconsistent actions.

VII. PUBLIC NOTIFICATION

EPA and MDHES agree to issue press releases, where appropriate, on major enforcement actions taken by either agency. EPA generated press releases will acknowledge relevant State actions and accomplishments.

VIII. EXPIRATION, TERMINATION AND REVISIONS

This Enforcement Agreement shall continue in effect unless terminated or revised by written agreement, signed by the Montana Director and the Regional Administrator for EPA. This agreement will be reviewed on an annual basis and may be updated, as appropriate.

APPENDIX I

EPA has defined three categories of violations in the hazardous waste program. They are high-priority violators, Class I violators and Class II violators. A Class I violation is a violation that results in a release or serious threat of release of hazardous waste to the environment, or involves the failure to assure that ground water will be protected, that proper closure and post-closure activities will be undertaken or that hazardous wastes will be destined for and delivered to permitted or interim status facilities.

1. Definitions of Violator Types

   a. High-Priority Violators - those with one or more Class I violations that:

      - pose a substantial likelihood of exposure to hazardous waste or have resulted in actual exposure, or
      - realize a substantial economic benefit as a result of noncompliance, or
      - have intentionally committed violations, or
      - are chronic or recalcitrant violators (including handlers that are violating schedules in Orders or Decrees).

   b. Class I Violators - those with Class I violations that do not meet the high-priority description.

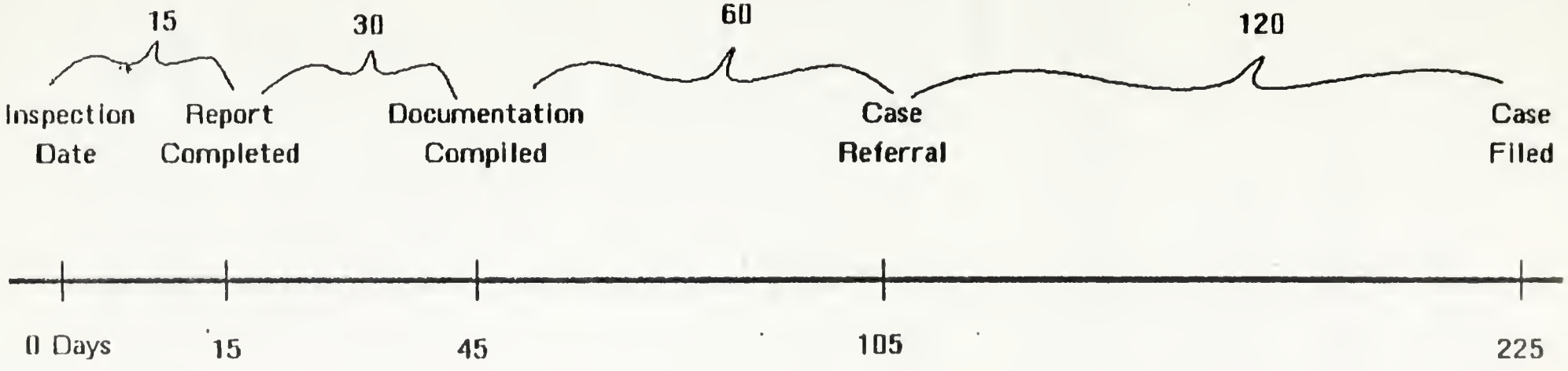
   c. Class II Violators - any other violator.

2. Appropriate Responses

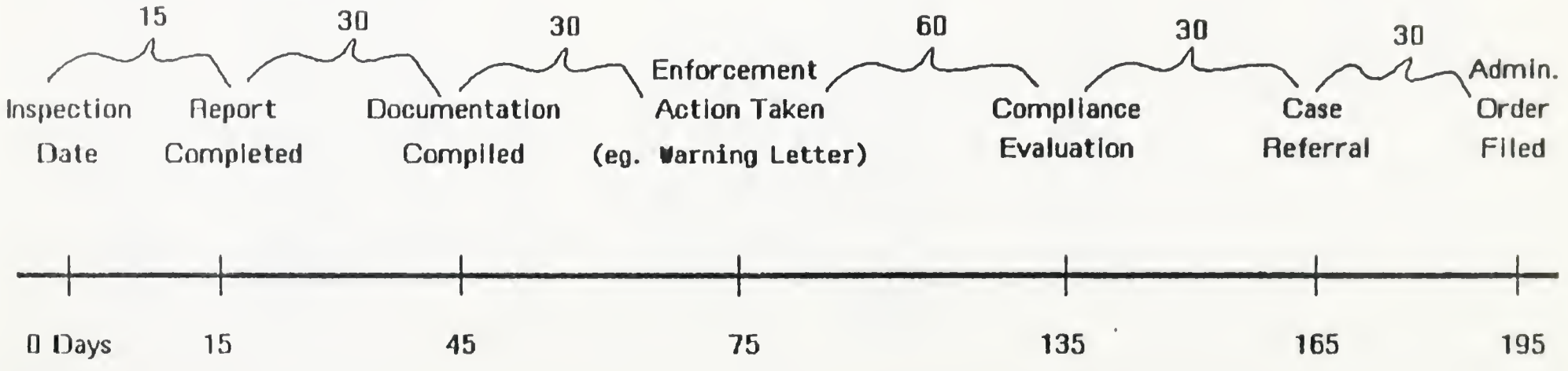
   This Agreement deals only with what constitutes timely and appropriate enforcement action in response to the high-priority and Class I violators. The initial response period begins at the time that a violation is discovered. A violation is discovered as of the date when the case development staff determines through review of the inspection report and/or data (e.g., lab reports), that a violation has occurred.

Typical Enforcement Timelines

High Priority Class I Violations



Other Class I Violations



Appendix E

COOPERATIVE ENFORCEMENT AGREEMENT

Between

THE U.S. ENVIRONMENTAL PROTECTION AGENCY

and

THE MONTANA DEPARTMENT OF AGRICULTURE

Pesticides Program

RELATING TO the cooperative enforcement of the laws enacted by the United States of America and the State of Montana to protect man and the environment from unreasonable hazards associated with pesticide production, sale and use.

I. Preamble.

The Regional Administrator, U. S. Environmental Protection Agency Region VIII and the Director of the Department of Agriculture of the State of Montana hereby enter into this Cooperative Enforcement Agreement. This Agreement sets forth each agency's responsibility for the cooperative enforcement of the laws enacted by the United States of America and the State of Montana to protect human health and the environment from the improper use and illegal sale of pesticides. Both agencies agree that cooperative pesticide enforcement is necessary and desirable to assure the efficient allocation of public funds, to minimize duplication of enforcement efforts and to more appropriately respond to pesticide emergencies, accidents, and unusual enforcement needs. This Agreement recognizes the primary enforcement responsibility of the Montana Department of Agriculture as defined in Section 26 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended.

II. Program Elements.

The Montana Department of Agriculture (Department) agrees to conduct the following program elements:

A. Inspection Procedures, Sampling Procedures, and Sample Integrity.

All investigations, and all sampling will be conducted in accordance with the Montana Pesticide Act (Title 80, Chapter 8, MCA), and the Department's field and laboratory procedures manuals, utilizing inspection forms equivalent to those contained in the EPA Pesticides Inspection Manual. Sample integrity will be maintained during collection, transport, storage, and analysis according to the quality assurance plans adopted by the Department and approved by EPA.

B. Cooperative Enforcement Action.

EPA's enforcement role is shifting from a primary focus on performing inspections and taking enforcement actions to an emphasis on conducting

reviews and evaluations and providing states with guidance and technical assistance in order to assure adequate performance of state compliance and enforcement programs.

The Congress of the United States has charged EPA to delegate responsibility for administering most environmental programs to the states as they demonstrate the desire and capability to assume primacy. The Congress, however, continues to hold EPA accountable for ensuring that its laws are carried out according to its intent.

The relationship between EPA and delegated states is intended to be a partnership. Both EPA and the states have continuing roles and responsibilities under delegated programs that are most effectively planned and executed together. States are better suited to address specific problems as they arise on a day-to-day basis, and EPA should strive to strengthen and assist state programs.

EPA also has a role as a partner to the state to serve as a back-up in enforcement areas by providing direct enforcement actions when needed. Region VIII will endeavor to assist state compliance and enforcement programs when requested. EPA may also take independent enforcement action in those cases where a state demonstrates it is not willing to establish a strong enforcement presence or is unable to do so due to a lack of necessary resources or requisite legal authority under the providions of Section 26 and 27 of FIFRA.

It is agreed that when evidence collected reveals a possible violation of only the Montana Pesticides Act, only the Montana Department of Agriculture will pursue remedies for such violations as provided for in the Montana Pesticides Act. Where such evidence reveals a possible violation of both Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Montana Pesticides Act, the Montana Department of Agriculture shall have primary enforcement responsibility for pesticide use violation enforcement. EPA will refer all pesticide use complaints to the Department for investigation. Pursuant to the Agency's final interpretive rule regarding Section 26 of FIFRA, cases deemed by EPA to be "significant cases" will be so designated and the disposition of such cases will be monitored by EPA. If within 30 days after receipt of a complaint referral from EPA, the State has not initiated an investigation, EPA may conduct its own investigation of the complaint. If, within thirty days after completion of the investigation of a complaint referral, the State has not commenced appropriate enforcement action, EPA may act upon the violation to the extent authorized by FIFRA as amended. At the option of the State, complaints or violations may be referred to EPA Region VIII Montana Office for action. In any pesticide investigation on Federal or Indian Lands where the State is not sure of its jurisdiction, the case will be referred to EPA, Region VIII Montana Office for action.

In those cases where there is a lack of agreement over who should take action, which cannot be resolved at the program level, the issue will be referred to the EPA Regional Administrator and the Director of the Department of Agriculture. In rare cases if clearly unacceptable performance by a state which show lack of good faith or capacity on the part of a state to correct problems, EPA is prepared to take back a delegated program. Taking back

delegated responsibilities, however, must occur in a consistent and predictable manner, under pre-defined conditions and circumstances and in accordance with Section 27 of FIFRA.

Under Section 26 of FIFRA, EPA does not have authority to delegate primary enforcement responsibility for any area of enforcement except pesticide use. The Department has been delegated primacy for pesticide use enforcement. Pesticide use enforcement consists of ensuring compliance with the applicator certification requirements and with all labeling requirements. It is made up of two types of inspections: use inspections and misuse inspections. Misuse inspections are initiated in response to complaints, damage reports, or referrals when there is reason to believe that a violation has occurred whether or not it is actually proven. A use inspection may be initiated as an observation of an actual pesticide application or as an inspection following an application when there is no reason to believe that a violation is occurring.

Pesticide use enforcement for reporting and grant purposes, includes monitoring the use of pesticides under Section 5, 18, and 24c of FIFRA. The monitoring of experimental use permits (Section 5) and emergency exemptions (Section 18(will involve inspecting users and distributors to ensure that the terms of the permit as well as the labeling are adhered to. EPA, however, has the final responsibility for ensuring that the terms of an emergency exemption are complied with and cannot, by the nature of the exemption process, delegate that responsibility.

Section 23 of FIFRA authorizes EPA to cooperate with states in the enforcement of FIFRA in areas other than use. The Department agrees to accept the responsibility of conducting non-use related inspections as described below and to take corrective enforcement action.

1. Certified Commercial Applicator License and Records Inspections.

   These types of inspections are conducted at the certified commercial applicator's place of business or in accordance with Rule 4.10.207 of the Administrative Rules of Montana (ARM). The purposes of these inspections are to determine if the applicator is properly certified and licensed, is maintaining the required records, is making application only in the uses for which he is certified, and to determine if his records show that his applications have been in compliance with all applicable laws and regulations.

2. Restricted-Use Pesticide Dealer Records Inspections.

   These types of inspections are conducted on-site at dealers who sell restricted-use pesticides or in accordance with Rule 4.10.504 ARM. The purposes of these inspections are to determine if the dealers are properly licensed and are maintaining the required records, and to review the dealers' records to determine if restricted-use pesticides are being sold only to certified applicators or other properly authorized persons.

3. Marketplace Inspections.

Marketplace inspections are inspections conducted at the retail or wholesale level of the purpose of determining product registration status, proper storage and display, any labeling violations, and any product decomposition. Marketplace inspections should be given a low level of priority unless product violations rates and compliance ratios show that such inspections will prevent significant harm.

The Department will also monitor the disposition of chemicals which have been cancelled or suspended. Pesticide disposal practices which are suspected violations of the Montana Hazardous Waste Act (Title 75, Chapter 10, part 4, MCA) will be addressed in accordance with the memorandum of understanding on Enforcement, Regulation and Management of Waste Pesticides and Containers (July 1983) between The Montana Department of Agriculture and The Department of Health and Environmental Sciences.

The responsibilities of the State under this subsection B will be reviewed on a semi-annual basis by EPA. EPA will maintain an "oversite" program whereby EPA personnel may accompany individual State inspectors on various types of inspections to coordinate and improve actual investigation procedures.

The Montana Department of Agriculture will notify the Pesticide Program Manager, EPA Region VIII Montana Office, within one week of the discovery of any suspected violations of the FIFRA which do not fall within the State's delegation. The Program Manager will confirm the existence of FIFRA violations and will maintain liason with the State on the disposition of the case.

If requested by the State, EPA and the Department of Agriculture will establish a program to provide training for Montana's inspectors, chemists and legal staff in areas of pesticide sampling, analysis and enforcement consistent with EPA practices and procedures.

The results of all chemical analyses performed under this Agreement, and the quality and sufficiency of all other evidences gathered in the course of any of the inspectional or investigatory activities are reviewed by the Department of Agriculture according to the Departments field and laboratory quality assurance and procedures manuals. When this review reveals evidence of a violation of any provision of the Montana Pesticides Act or of the FIFRA, the Director shall accumulate, organize, and document all substantial and relevant evidence. Where EPA and the Montana Department of Agriculture determine that EPA shall be a party to an enforcement action based upon evidence collected, the Montana Department of Agriculture file shall be made available to the designated EPA attorney, Region VIII.

C. Reports.

The Montana Department of Agriculture shall submit, all reports to the State program manager at EPA Region VIII Montana Office, according to the

commitments and time frames specified in the annual workplan in the STATE/EPA Agreement (SEA). EPA Region VIII Montana Office shall prepare and submit to the Department of Agriculture draft and final written evaluations of the Departments midyear and end of year performance. Such review by EPA will specifically consider:

1. The number of inspections in each inspectional category;

2. The future performance of any overdue commitments;

3. The actual accomplishments made by the Department;

4. Those areas in which performance and cooperation by the Department or the EPA may be improved.

Information acquired through the Department of Agriculture enforcement and technical programs is provided to the Montana Cooperative Extension Service through a cooperative agreement in order to update and improve the States pesticide applicator and dealer training courses. The Department of Agriculture is also encouraged to study the impacts of pesticides in the environment as they relate to enforcement matters.

III. General Conditions.

It is mutually agreed that each agency shall:

A. Maintain a close working relationship and exchange information relative to the agencies' planned pesticide surveillance/enforcement activities;

B. Coordinate investigations and enforcement actions involving violations of both the FIFRA and the Montana Pesticides Act to avoid duplication of effort;

C. Perform its inspectional, analytical and case preparation activities in a manner designed to assure sample integrity, chain of custody, the use of standard methods of analysis, the sufficiency and adequacy of the evidence, and the violator's right to administrative due process;

D. Periodically meet with the other agency to evaluate the performance of each agency with regard to the procedural, planning or surveillance elements of this Agreement.

Nothing in this Cooperative Enforcement Agreement modifies other existing agreements except as specified, nor does it preclude entering into separate agreements which set forth procedures for special programs which can be handled more efficiently and expeditiously by such special agreement.

Nothing in the Cooperative Enforcement Agreement is binding on the State of Montana if sufficient funds are not provided by EPA to allow the State to carry out the agreed upon functions. Also, provided that the Department is

carrying out tne agreed upon functions in a manner satisfactory to EPA, tne latter will not perform similar functions in tne State.

Nothing in this Cooperative Enforcement Agreement is intended to usurp tne authority of EPA to commence enforcement actions for alleged violations of tne FIFRA. Similarly, nothing in this Agreement is intended to usurp the authority of the State of Montana to commence enforcement actions for alleged violations of tne Montana Pesticides Act.

This Cooperative Enforcement Agreement, when accepted by both parties, shall continue in effect unless modified by the mutual written consent of both parties or terminated by either party upon a thirty (30) day advance written notice to the other.

This agreement revises the previous agreement signed October 1984.